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Financial reports and audited financial statements, and reports of the Board of Auditors: United Nations Joint Staff Pension Fund

Implementation of the recommendations of the Board of Auditors contained in its report for the year ended 31 December 2015 on the United Nations Joint Staff Pension Fund

Report of the Secretary of the United Nations Joint Staff Pension Board

Summary

The present report is submitted in accordance with General Assembly resolution 48/216 B, in which the Assembly requested the executive heads of the United Nations entities to report to the Assembly, at the same time as the recommendations of the Board of Auditors were submitted to the Assembly, on measures taken or to be taken to implement those recommendations.

The report provides information further to the comments already submitted to the Board of Auditors, which were included in the final report of the Board on the United Nations Joint Staff Pension Fund.

Therefore, in an effort to reduce redundancy and streamline documentation, the present report provides additional comments of the Pension Fund only where required, as well as information on the status of implementation, the department responsible, the estimated completion date and the priority of each recommendation contained in the reports of the Board. In addition the report provides an update on the status of implementation of the recommendations of the Board relating to prior periods that the Board considered not to have been fully implemented.

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I. Introduction

1. The present report is submitted in accordance with the provisions of paragraph 7 of General Assembly resolution 48/216 B, in which the Assembly requested the executive heads of the United Nations entities, at the same time as the recommendations of the Board of Auditors were submitted to the Assembly, through the Advisory Committee on Administrative and Budgetary Questions, to provide the Assembly with their responses and to indicate the measures that would be taken to implement those recommendations, with appropriate timetables.

2. In preparing the present report, account was taken of the provisions of General Assembly resolution 70/238, in which the Assembly, in paragraph 14, stressed that the report of the Board of Auditors on the United Nations Joint Staff Pension Fund should be submitted separately to the General Assembly, as is the case with other United Nations entities, and decided that a copy should continue to be annexed to the report of the United Nations Joint Staff Pension Board. In paragraph 15 of the same resolution, the General Assembly decided to continue to consider the report of the Board of Auditors on the United Nations Joint Staff Pension Fund in the context of the report of the United Nations Joint Staff Pension Board.

A. Implementation of the recommendations contained in the report of the Board of Auditors on the United Nations Joint Staff Pension Fund for the year ended 31 December 2015[1]

3. The status of implementation of the main recommendations as at September 2016 is summarized in table 1.

Table 1
Status of implementation of main recommendations

Department responsible	*Number of recommendations*	*Implemented*	*In progress*	*Target date set*	*No target date*
Investment Management Division	4	–	4	4	–
Pension Fund secretariat	4	–	4	4	–
Total	**8**	**–**	**8**	**8**	**–**
Percentage	**100**	**–**	**100**		

4. The status of implementation of all recommendations as at September 2016 is summarized in table 2.

[1] A/71/5/Add.16.

Table 2
Status of implementation of all recommendations

Department responsible	*Number of recommendations*	*Implemented*	*In progress*	*Target date set*	*No target date*
Investment Management Division	11	–	11	11	–
Pension Fund secretariat	6	–	6	6	–
Total	**17**	**–**	**17**	**17**	**–**
Percentage	**100**	**–**	**100**		

5. **In paragraph 28, the Board recommended that while filling up the vacancies at senior levels at the earliest, the Pension Fund draw a succession plan that can foresee and address the change that will occur when senior employees' positions are vacant.**

Department responsible: Investment Management Division

Status: In progress

Priority: High

Target date: Fourth quarter 2016

6. The Pension Fund has developed a succession plan that addresses pending known senior level vacancies. Most of the current senior level vacancies have been advertised, and measures are being taken to fill pending vacancies.

7. **In paragraph 37, the Board recommended that the Pension Fund devise a mechanism to assess the value addition to the performance owing to active management of the portfolio on a regular basis so as to assess its impact and implement course correction as deemed necessary.**

Department responsible: Investment Management Division

Status: In progress

Priority: Medium

Target date: Fourth quarter of 2017

8. The Pension Fund is in the process of developing such a mechanism with input from the Investments Committee and others. Various methods of factor-based and style-based attribution analysis are being tested. This analysis is providing valuable data, and the selected methodologies and resulting reports will be utilized on a regular basis.

9. **In paragraph 44, the Board recommended that the Pension Fund establish customized reference benchmarks taking into account the Fund's special criteria, which will better measure the Fund's overall performance.**

Department responsible:	Investment Management Division
Status:	In progress
Priority:	Medium
Target date:	Fourth quarter of 2017

10. The Pension Fund is tracking the impact of tobacco and armament restrictions on the performance of its equity portfolios, as noted in paragraph 40 of the Board report. Additionally, as noted in paragraph 42 of the Board report, the Fund has been studying the possibility of utilizing a customized benchmark to take tobacco and armament restrictions into account. The Fund will establish a customized reference equity benchmark by comparing the performance of global equity to a benchmark such as Morgan Stanley Capital International All Country World Index, former tobacco and/or former armament stocks. The current equity benchmark will also continue to be used since the Fund's policy benchmark and the Asset Liability Management study were based on that benchmark.

11. **In paragraph 49, the Board recommended that (i) the Pension Fund introduce a mechanism for a more frequent supervisory review of the underperforming securities based on certain predefined parameters; and (ii) the Fund formalize the system for regularly tracking risk tolerance monitoring and risk management, by the Representative of the Secretary-General through the Director of the Investment Management Division and the Deputy Director for Risk and Compliance.**

Department responsible:	Investment Management Division
Status:	In progress
Priority:	High
Target date:	Fourth quarter of 2017

12. The Pension Fund is in the process of (a) introducing a mechanism for more frequent supervisory review of underperforming securities; and (b) formalizing the system for regularly tracking risk tolerance monitoring and risk management.

13. **In paragraph 60, the Board recommended that the Pension Fund review its investment and risk processes, including learning lessons from higher performing Funds, so as to improve its efforts to achieve the targeted 3.5 per cent real rate of return.**

Department responsible:	Investment Management Division
Status:	In progress
Priority:	High
Target date:	Fourth quarter of 2017

14. The Investment Management Division is making arrangements to conduct a review of performance, risk management and main practices through other similar pension funds.

15. **In paragraph 68, the Board recommended that the Pension Fund carry out a review of the cash requirements of various currencies in order to keep a minimum investment in cash, given that carries a low return and is subject to foreign exchange fluctuation.**

Department responsible:	Investment Management Division
Status:	In progress
Priority:	Medium
Target date:	Fourth quarter of 2017

16. The Investment Management Division is carrying out a review of cash requirements of various currencies. The review will include, but not be limited to, an assessment of cash that is used for investment purposes and for benefit payment purposes.

17. **In paragraph 75, the Board recommended that the Pension Fund: (a) address the foreign exchange exposure issue and employ suitable procedures and tools to mitigate foreign exchange losses; and (b) develop an internal mechanism to monitor, evaluate and manage losses or gains owing to foreign exchange in addition to regular monitoring of fair value of the assets.**

Department responsible:	Investment Management Division
Status:	In progress
Priority:	Medium
Target date:	Fourth quarter of 2017

18. The Pension Fund informed the Board about the efforts that have been made to monitor and study foreign exchange exposure during 2015, as indicated in paragraphs 72 and 74 of the Board report. The Investment Management Division is making arrangements to conduct formal research on that topic in order to supplement efforts made during 2015.

19. **In paragraph 83, the Board recommended that the Pension Fund review its processes for the fixed income investments to ensure that it meets or exceeds its benchmark.**

Department responsible: Investment Management Division

Status: In progress

Priority: Medium

Target date: Second quarter of 2017

20. The comments of the Pension Fund are reflected in paragraph 81 of the Board report. The Fund has reviewed and will continue to review its fixed income processes to ensure that it meets or exceeds its benchmark.

21. **In paragraph 89, the Board recommended that the Pension Fund prepare a time-bound action plan to finalize and publish its selection and evaluation criteria for external funds and discretionary investment managers.**

Department responsible: Investment Management Division

Status: In progress

Priority: High

Target date: Fourth quarter of 2017

22. The Pension Fund recognizes the importance of that recommendation and time-bound procedures are being developed accordingly.

23. **In paragraph 94, the Board recommended that the Pension Fund enter into a service level agreement defining the respective roles and responsibilities and service level benchmarks and that it develop a mechanism to secure its compliance.**

Department responsible: Investment Management Division

Status: In progress

Priority: Medium

Target date: Second quarter of 2017

24. The Pension Fund will establish a service level agreement that will incorporate related legal and procurement considerations in order to develop a mechanism to secure compliance. The Fund will revise the standard Bloomberg service level agreement and set up internal roles and schedules for periodic monitoring.

25. **In paragraph 99, the Board recommended that the Pension Fund: (a) resolve the issues of data migration; and (b) frame key performance indicators as per functional requirements for assessing the accuracy and timeliness of outcomes of the Integrated Pension Administration System (IPAS).**

Department responsible:	Pension Fund secretariat
Status:	In progress
Priority:	High
Target date:	Third quarter of 2017

26. As reflected in the report of the Board of Auditors, in the migration to the new IPAS, there were minimal data exceptions, which occurred only for historical data not affecting any calculations. Data exceptions have been corrected as part of normal verification in benefit processing in the first year since IPAS go-live. A business intelligence pilot is being evaluated for updating and monitoring performance indicators and targets. Information technology-related key performance indicators are being developed within the business intelligence tool. Performance indicators will be available for analysis and monitoring in a management dashboard expected to be completed by the third quarter of 2017.

27. **In paragraph 105, the Board recommended that the Fund: (a) acknowledge all queries and complaints received from all sources; (b) segregate queries and complaints so as to address them appropriately; (c) devise a system of categorization and prioritization of complaints and their resolution; (d) inform the client periodically about the progress achieved in the resolution of the complaint; (e) devise a system for monitoring and reporting the status of grievances to the appropriate levels in the Pension Fund to ensure an effective client delivery mechanism; and (f) review the complaints data to help to identify the weaknesses of the system and to improve and streamline the existing processes.**

Department responsible:	Pension Fund secretariat
Status:	In progress
Priority:	High
Target date:	Fourth quarter of 2017

28. As presented to the Pension Board at its sixty-third session in July 2016, the Pension Fund will implement a new client service model. The new client service model will address the observations made by the Board and opportunities for improvement identified in a client service review completed by an independent consulting firm in May 2016. The new client service model will include, as key elements, a pilot Client Services call centre and the associated management and monitoring system for Client Services. Complementarily, the Fund will start and head a Working Group with the Staff Pension Committees on self-service.

29. **In paragraph 110, the Board recommended that the Pension Fund prescribe a time frame for servicing the caseload. An internal reporting framework for each type of benefit based on its priority should be established.**

Department responsible:	Pension Fund secretariat
Status:	In progress
Priority:	High
Target date:	Third quarter of 2017

30. The IPAS system is currently in the stabilization stage, at the end of which previous performance indicators will be updated to reflect the processing in the new system and the significant increase in separations compared to historical levels. Updated performance indicators will be monitored using an enhanced business intelligence environment. Detailed reporting in the new system will include the aging of outstanding cases. Complementarily, the Pension Fund is focused on improving caseload management in terms of planning, processing and monitoring. Death in service, survivor and disability benefits will continue to be handled as "priority" cases.

31. **In paragraph 115, the Board recommended that the Pension Fund simplify the process of obtaining the certificate of entitlement, including exploring the option of engaging the corresponding banks in the process.**

Department responsible:	Pension Fund secretariat
Status:	In progress
Priority:	Medium
Target date:	Fourth quarter of 2017

32. The Pension Fund has implemented a number of actions to enhance the certificate of entitlement process, including the review of the annual cycle to ensure that all activities from the date of the mailing to the related follow-up actions are completed within a calendar year, and the release of the Fund member self-service on 31 August 2016. The new member self-service will allow certain beneficiaries to download the certificate of entitlement form, and monitor when the signed certificate of entitlement was received by the Fund. The Fund will continue exploring opportunities to enhance the certification of entitlement process.

33. **In paragraph 123, the Board recommended that: (a) the Pension Fund impress upon the participating organizations the need to ensure that they identify and submit to the Fund sufficiently in advance cases that are due for separation in the normal course of business; and (b) check the status of documentation and jointly devise a mechanism to resolve the issues related to incomplete or missing documentation from member organizations.**

Department responsible:	Pension Fund secretariat
Status:	In progress
Priority:	High
Target date:	Third quarter of 2017

34. The roles and responsibilities of the Staff Pension Committees of member organizations are set out in the Regulations, Administrative Rules and Rules of Procedure of the United Nations Joint Staff Pension Fund. The terms of reference for the Staff Pension Committees and their Secretaries consolidate all the roles and responsibilities and recognize that member organizations are responsible for the accurate, complete and timely submission of separation information and documents to the Fund. The Fund will work closely with member organizations to identify mechanisms to expedite the submission of separation documents to the Fund, and to identify mechanisms to resolve issues related to incomplete and missing documentation from member organizations. The Fund will also conduct, with the support of an external consultant and in coordination with the member organizations, an end-to-end review of separation-to-entitlement process to identify opportunities to achieve greater efficiency and effectiveness and improve coordination. The results of the end-to-end review will be presented to the Pension Board at its sixty-fourth session in July 2017.

35. **In paragraph 129, the Board recommended that participant reconciliation exceptions need to be resolved in a time-bound manner so as to avoid any dispute with the participating organizations and to ensure that up to date and accurate financial statements can be prepared for the Fund and the participating organizations.**

Department responsible:	Pension Fund secretariat
Status:	In progress
Priority:	Medium
Target date:	Fourth quarter of 2017

36. The participant reconciliation exceptions process is in essence a quality improvement exercise, which does not affect the accuracy of the financial statements. In the process, the Pension Fund identifies data discrepancies that require action and resolution by Fund member organizations. To address the Board recommendation, the Fund will complete the implementation of the project for monthly reconciliation of contributions approved in the Fund budget for the biennium 2016-2017. The project will be completed, for some Fund member organizations, by the fourth quarter of 2017.

37. **In paragraph 132, the Board recommended that the Pension Fund: (a) finalize the anti-fraud policy at the earliest opportunity; and (b) widely circulate the policy and make staff aware of its provisions and implications.**

Department responsible:	Investment Management Division
Status:	In progress
Priority:	Medium
Target date:	Second quarter of 2017

38. The Investment Management Division staff must comply with the anti-fraud and anti-corruption framework, which was recently adopted by the United Nations Secretariat. Additionally, the Division has drafted its own anti-fraud and anti-corruption policy, which addresses investment-specific issues. Subsequent to adoption, the policy may be further updated, since it is a living document.

B. Implementation of the recommendations contained in the reports of the Board of Auditors on the United Nations Joint Staff Pension Fund for prior financial periods

39. In the annex to its report for the year ended 31 December 2015 (A/71/5/Add.16), the Board provided a summary of the status of implementation of recommendations from previous financial periods.

40. The overall situation as at September 2016 regarding the nine recommendations assessed as not fully implemented by the Board is summarized in table 3.

Table 3
Status of implementation of extant recommendations from prior periods considered not fully implemented in annex I to the report of the Board of Auditors

Department responsible	*Number of recommendations*	*Implemented*	*In progress*	*Target date set*	*No target date*
Investment Management Division	4	0	4	4	–
Pension Fund secretariat	5	0	5	5	–
Total	**9**	**0**	**9**	**9**	**0**
Percentage	**100**	**0**	**100**		

41. In paragraph 19 of its report for the year ended 31 December 2013 (A/69/9), the Board recommended that the Pension Fund closely collaborate with member organizations to ensure that those organizations submit contribution data in a timely manner and keep in close communication with the actuarial service provider to ensure that the actuarial report could be produced and included in the formal financial statements in a timely manner.

Department responsible:	Pension Fund secretariat
Status:	In progress
Priority:	Medium
Target date:	Second quarter of 2017

42. In 2015, the implementation of a new enterprise resource planning system in various Pension Fund member organizations delayed the finalization of the financial statements for the year ended 31 December 2015. Delays in the submission of participant level information to the Fund also delayed the completion of the thirty-third actuarial valuation of the Fund as at 31 December 2015, as the Consulting Actuary could begin the actuarial valuation only upon the completion of the Fund financial statements. Thus, the actuarial valuation as at 31 December 2013 was included in the Fund financial statements for the year ended 31 December 2015. The 2015 actuarial valuation of the Fund will be incorporated into the Fund financial statements for the year ended 31 December of 2016.

43. **In paragraph 47, the Board recommended the Pension Fund to: (a) continue to improve controls and efficiency of the participant reconciliation exceptions process to ensure that the discrepancies are identified and reconciled with member organizations in a timely manner; and (b) prepare monthly and year-end contribution reconciliations to ensure the accuracy of the contributions and receivables recorded in pension system and financial statements.**

Department responsible:	Pension Fund secretariat
Status:	In progress
Priority:	Medium
Target date:	Fourth quarter of 2017

44. As noted above, the participant reconciliation exceptions process is a quality improvement exercise that does not affect the accuracy of the financial statements. Data discrepancies identified during the process require action and resolution by Pension Fund member organizations. The Fund will complete the implementation of the project for monthly reconciliation of contributions, which was approved in the Fund budget for the biennium 2016-2017, for some member organizations by the fourth quarter of 2017.

45. **In paragraph 51, the Board recommended the Pension Fund to: (a) utilize and promote the online self-service as an additional tool in the certificate of entitlement process, along with the smooth implementation of IPAS; and (b) consider establishing a practical plan to develop an automatic signature verification system or thumbprint/live image verification system to facilitate the certificate of entitlement process.**

Department responsible:	Pension Fund secretariat
Status:	In progress
Priority:	Medium
Target date:	Fourth quarter of 2017

46. The Pension Fund has implemented a number of actions to enhance the certificate of entitlement process, including the review of the annual cycle to ensure that all activities from the date of the mailing to the related follow-up actions are completed within a calendar year; and the release of the Fund member self-service on 31 August 2016. The new member self-service allows beneficiaries to download the certificate of entitlement form, and monitor when the signed certificate of entitlement was received by the Fund. The Fund will continue exploring opportunities to enhance the certificate of entitlement process.

47. **In paragraph 30 of its report for the year ended 31 December 2014 (A/70/325), the Board recommended that the Pension Fund expedite introduction of the counter party settlement system in a time-bound manner.**

Department responsible:	Investment Management Division
Status:	In progress
Priority:	Medium
Target date:	First quarter of 2017

48. Phase 1 of the implementation of the Bloomberg Aim Trade Order Management System was completed on 18 January 2016. Phase 2, which includes the counter party settlement system, is scheduled to be completed during the fourth quarter of 2016.

49. **In paragraph 35, the Board recommended that the Pension Fund explore alternatives to mitigate the foreign exchange losses, including a detailed cost benefit study for a suitable hedging strategy.**

Department responsible:	Investment Management Division
Status:	In progress
Priority:	Medium
Target date:	Fourth quarter of 2017

50. The Investment Management Division studied various alternatives to its existing practice during 2015, as mentioned in paragraph 74 of the current report of the Board (A/71/5/Add.16). Hedging of currency risk was considered and was not utilized, recognizing the zero sum-game representation over time. The Investment Management Division is making arrangements to conduct formal research on this topic.

51. **In paragraph 41, the Board recommended that the Pension Fund take steps to achieve the policy benchmarks on each portfolio by improving its internal investment processes and practices, and endeavour to achieve the overall minimal real return of 3.5 per cent.**

Department responsible:	Investment Management Division
Status:	In progress
Priority:	Medium
Target date:	Fourth quarter of 2017

52. The Representative of the Secretary-General signed and formally approved an updated investment policy statement on 18 July 2016. The updated investment policy statement includes benchmarks and weightings for the Pension Fund and for each asset class. It also includes the Fund's strategic asset allocation, which was adopted on 1 August 2015 and is based on the most recent asset liability management study. Success of this updated policy in achieving the Fund's near-term and long-term return objectives, the policy benchmark and 3.5 per cent goals, respectively, is being monitored on a monthly basis through performance reports by the Investment Management Division. Additionally, quarterly performance reports are reviewed by the Investment Management Division and the Investments Committee.

53. **In paragraph 48, the Board reiterated its recommendation that the Pension Fund continue its efforts to reconcile and resolve all participant reconciliation exceptions with member organizations in a timely manner. The Board added that until such time as a system is implemented to enable monthly reconciliations, the Fund may consider including a suitable disclosure in the financial statements on the quantum of unresolved participation reconciliation exceptions.**

Department responsible:	Pension Fund secretariat
Status:	In progress
Priority:	Medium
Target date:	Fourth quarter of 2017

54. To address the Board recommendation, the Pension Fund will complete the implementation of the project for monthly reconciliation of contributions, which was approved in the Fund budget for the biennium 2016-2017. The project will be implemented, for some member organizations, by the fourth quarter of 2017. A disclosure in the financial statements was not deemed necessary since the participant reconciliation exceptions process is a quality improvement exercise that does not affect the accuracy of the financial statements.

55. **In paragraph 53, the Board recommended that the Pension Fund ensure adherence to the stipulated benchmark for the processing of benefits through**

improvements in efficiencies and use of information technology-enabled services, since service to its members is the primary function of the Fund.

Department responsible:	Pension Fund secretariat
Status:	In progress
Priority:	High
Target date:	Third quarter of 2017

56. Following the go-live of the IPAS system in August 2015, the system is currently in the stabilization stage. Accordingly, performance in the processing of benefits is measured by the ability to reduce extraordinary surge in processing volume and the ability to process new cases. Upon completion of the stabilization stage, performance indicators will be updated to reflect processing levels in the IPAS system and the significant increase in separations compared to historical levels. Updated performance indicators and targets will be defined by the third quarter of 2017.

57. **In paragraph 65, the Board recommended that the Pension Fund: (a) formulate a holistic policy for the strategic planning, governance and management of various information technology projects required or under implementation; and (b) take proactive measures to expedite the procurement of the replacement for the existing trade order management system and restrict additional expenditure on interim measures.**

Department responsible:	Investment Management Division
Status:	In progress
Priority:	High
Target date:	Fourth quarter of 2018

58. The Investment Management Division is in the process of developing a comprehensive information and communications technology strategy that will address both infrastructure and applications, in order to ensure secure and continuous operations. Progress has been made, as evidenced by the successful implementation of the Bloomberg AIM Trade Order Management System on 18 January 2016.

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Agenda item 27
Advancement of women

Violence against women, its causes and consequences*

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly the report of the Special Rapporteur on violence against women, its causes and consequences, Dubravka Šimonović, submitted in accordance with Assembly resolution 69/147.

* The present report was submitted late in order to include up-to-date information from Member States, United Nations organizations and non-governmental organizations.

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Report of the Special Rapporteur on violence against women, its causes and consequences

Summary

In the present report, the Special Rapporteur on violence against women, its causes and consequences provides an account of her activities since her previous report. Following a discussion on the adequacy of the international legal framework on violence against women, she presents responses received from regional mechanisms and the Committee on the Elimination of Discrimination against Women following her call for input on the issue. She addresses the topic of femicide, or the gender-related killing of women, and proposes the establishment at the global, national and regional levels of a "femicide watch" and observatories on violence against women.

I. Introduction

1. The Special Rapporteur on violence against women, its causes and consequences, Dubravka Šimonović, submits the present report pursuant to General Assembly resolution 69/147. In section II, she summarizes the activities carried out since her previous report to the General Assembly, up to July 2016. In section III, she provides an update on the consultations that she led with regional mechanisms and the Committee on the Elimination of Discrimination against Women on the adequacy of the international framework on violence against women. In section IV, she addresses the topic of femicide, or the gender-related killing of women, and proposes the establishment at the global, national and regional levels of a "femicide watch" and observatories on violence against women.

II. Activities

A. Country visits

2. The Special Rapporteur visited South Africa from 4 to 11 December 2015 (see A/HRC/32/42/Add.2) and Georgia from 15 to 19 February 2016 (see A/HRC/32/42/Add.3). She thanks the Governments of those countries for their cooperation before and during the visit. She also thanks the Governments of Argentina, Australia, Bulgaria and Israel, which have accepted her requests to visit.

B. Reports to the Commission on the Status of Women and to the Human Rights Council

3. On 14 March 2016, the Special Rapporteur participated in the sixtieth session of the Commission on the Status of Women. She presented an oral statement in which she outlined her priorities for the mandate and, at the invitation of the Commission, made concluding remarks at the end of the examination of the review theme on the elimination and prevention of all forms of violence against women and girls. She also participated in a number of side events during the session.

4. In June 2016, she submitted her first report to the Human Rights Council (A/HRC/32/42). In that vision-setting report, she outlined her priorities for the mandate on which she intended to focus during her tenure and highlighted that she would also focus on the issue of violence against women in politics. She also participated in a number of side events during the session.

C. Participation in conferences and consultations

5. The participation of the Special Rapporteur in conferences and consultations for the period from August 2015 to March 2016 is outlined in her report to the Human Rights Council in June 2016 (A/HRC/32/42).

6. At the invitation of the Inter-American Commission on Human Rights, the Special Rapporteur attended its 157th regular session, held in Washington, D.C., from 7 to 9 April 2016. She participated as an independent expert in a hearing relating to the follow-up on the report of the Commission on missing and murdered

indigenous women in British Columbia, Canada. She also participated in a regional consultation on enhancing cooperation in the Americas and delivered a keynote address at the launch of the report of the Commission on the criminalization of the work of human rights defenders.

7. The Special Rapporteur participated in a forum for global women leaders, held in Sofia on 20 May 2016 and organized jointly by the United Nations Educational, Scientific and Cultural Organization and the Council of Women of Business in Bulgaria, speaking on the issue of women and peace and security and development.

8. On 23 May 2016, the Special Rapporteur participated in the twenty-fifth session of the Commission on Crime Prevention and Criminal Justice, in Vienna, and delivered opening remarks on future cooperation. She also participated in a panel on girls fleeing conflict, terror, catastrophes and the perils of flight organized by the Academic Council on the United Nations System.

9. The Special Rapporteur, with the support of the London School of Economics, convened an expert group meeting on femicide on 1 June 2016 aimed at collecting input for the present report.

10. During the twenty-second annual meeting of special rapporteurs/representatives, independent experts and working groups of the special procedures of the Human Rights Council, held on 9 June, the Special Rapporteur and the Special Rapporteur on the situation of human rights defenders co-hosted a dialogue on women human rights defenders. On 10 June, both she and the Independent Expert on the promotion of a democratic and equitable international order participated in a working lunch on violence against women in politics.

11. At the thirty-second session of the Human Rights Council, the Special Rapporteur presented her first vision-setting report, the reports on her official visits to South Africa and Georgia and the report of her predecessor on her visit to the Sudan (A/HRC/33/42/Add.1). She also participated in a panel on violence against indigenous women and girls and its root causes, which was organized as part of the annual full-day discussion on the human rights of women, and in a number of activities and side events, including a side event on women human rights defenders, a discussion on online violence against women and a panel discussion on preventing and responding to violence against indigenous women. In addition, she held numerous bilateral meetings with State representatives and met the Secretary-General of the Inter-Parliamentary Union, survivors of violence and representatives of several regional groups, civil society organizations and the Committee on Economic, Social and Cultural Rights.

12. The Special Rapporteur delivered a statement in Vienna on 22 July 2016 during the high-level opening panel of the conference on combating violence against women in the Organization for Security and Cooperation in Europe region.

13. The Special Rapporteur spoke at a conference held in Pachuca, Mexico on 26 and 27 July 2016 on the regional exchange of good practices on the challenges and struggles in combating violence against women.

III. Debate surrounding the adequacy of the legal framework on violence against women: view from international and regional mechanisms

14. In the light of the two reports submitted by her predecessor on the need for a legally binding United Nations convention on violence against women and girls, and keen to follow up on that discussion, the Special Rapporteur decided to invite the regional human rights mechanisms and the Committee on the Elimination of Discrimination against Women to provide their views on the adequacy of the current legal framework on violence against women.[1] The responses received are summarized below.[2]

A. Committee on the Elimination of Discrimination against Women

15. On the question of the need for a United Nations convention on violence against women, the Committee[3] considers that, although the Convention on the Elimination of All Forms of Discrimination against Women does not explicitly have a provision on gender-based violence against women, its general recommendation No. 19 (1992) on violence against women became a source of and inspiration for various international and regional documents, including the Declaration on the Elimination of Violence against Women. As the Committee's authoritative interpretative tool, general recommendation No. 19 reflects the Committee's position that violence against women constitutes gender-based discrimination in the meaning of article 1 of the Convention. Since its adoption in 1992, States parties have not challenged the validity or competence of the recommendation. In both constructive dialogue with States parties and the procedures under the Optional Protocol to the Convention, the Recommendation has been frequently referenced by States parties, Committee members and other stakeholders, including civil society organizations. It should be noted that, under the recommendation in conjunction with articles 1, 2 and 5 of the Convention, redress for alleged violations has been adequately addressed by the Committee. Therefore, it is the Committee's view that the Convention has a provision on gender-based violence against women in its present form. The Committee also indicates that it is currently working on updating the recommendation through the codification of positive developments that have happened since its adoption and that the updated recommendation will be adopted by the end of 2016. In addition, in the light of the current process of strengthening and reform of the treaty bodies as a whole, the Committee underscores that the

[1] The Committee and the following regional mechanisms replied to the questionnaire transmitted by the Special Rapporteur: the group of experts of the Council of Europe on action against violence against women and domestic violence, the Association of Southeast Asian Nations Intergovernmental Commission on Human Rights, the Association of Southeast Asian Nations Commission on the Promotion and Protection of the Rights of Women and Children, the Inter-American Court of Human Rights, the committee of experts on the follow-up mechanism to the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women, the Special Rapporteur on the Rights of Women in Africa and the Working Group on the issue of discrimination against women in law and in practice.

[2] The full text of the responses is available from www.ohchr.org/EN/Issues/Women/SRWomen/Pages/InternationalLegalFramework.aspx.

[3] The Chair consulted the entire Committee and indicated that her response represented its majority view.

fragmentation of policies and legislation at the United Nations level should be avoided and that a new instrument and its new monitoring body would certainly increase the burden on States parties and reinforce the trend of fragmentation. The creation of a new convention is contradictive from the viewpoint of States parties that have urged the Committee to streamline its activities. On a positive note, the mainstreaming of gender into the United Nations human rights mechanisms, especially in other treaty bodies, is noted. Many of the treaty bodies now have general comments relating to gender, which refer to gender-based violence against women, such as general comment No. 28 (2000) on the equality of rights between men and women (article 3 of the International Covenant on Civil and Political Rights) of the Human Rights Committee. By looking comprehensively into the collective jurisprudence, it can be concluded that the United Nations human rights mechanism has been well equipped with the necessary instruments. Attention is also drawn to the current economic atmosphere, which has a negative impact in many parts of the world. Given that many States parties are grappling with cuts to social programmes, including those for combating violence against women, the Committee is of the view that it is not an appropriate time to propose a new convention.

16. On measures to accelerate the prevention and elimination of gender-based violence against women, the Committee indicates that it will provide a comprehensive answer in its new updated version of general recommendation No. 19, the first draft of which will be made public shortly. The Committee will emphasize the importance of collecting data on and monitoring the situation of violence against women, adopting laws and policies that reflect developments with regard to violence against women by increasing women's participation in decision-making bodies and reinforcing women's access to justice for substantive redress. Such measures should be country-specific. The Committee addresses these issues in its engagement with States parties through its lists of issues, constructive dialogue and its recommendations on gender-based violence against women in every set of concluding observations.

B. Committee of experts on the follow-up mechanism to the implementation of the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women and the Inter-American Court of Human Rights

17. The committee of experts on the follow-up mechanism to the implementation of the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women considers that the adoption, in 1979, of the Convention on the Elimination of All Forms of Discrimination against Women reflected a new international model of respect for women's human rights, with its own monitoring mechanism, and that the creation of a protocol should be supported, as a supplementary instrument to the Convention because it would strengthen the work already done by the members of the Committee on the Elimination of Discrimination against Women and promote the Inter-American Convention and the Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) without weakening the implementation of those treaties. Furthermore, it would not contravene the provisions of other regional conventions on the same issue. The committee of experts indicates that, in 2014, Italy signed the Inter-American Convention before the entry into force of the

Istanbul Convention and that, therefore, the signing and ratification of other regional conventions on violence against women are another mechanism to strengthen State obligations and raise them to the international level. The adoption, in the inter-American region, of the Inter-American Convention and the subsequent establishment of the committee of experts brought the problem of violence against women to the forefront of international debates on human rights for the first time. To achieve the same impact at the global level, the committee of experts proposes to support the creation of a protocol as a supplementary instrument to reinforce and promote what was already established under the Convention on the Elimination of All Forms of Discrimination against Women. By incorporating the principle of supplementarity into the text itself, protocols establish the obligation of States parties to enact legislation to control violence against women on the basis of the important international conventions already approved, as has occurred with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. Approval of the protocol would strengthen the work done by the Committee on the Elimination of Discrimination against Women, especially its general recommendation No. 12 (1989) on violence against women and No. 19; the provisions of the Declaration on the Elimination of Violence against Women; the Beijing Declaration and Platform for Action; and the work of the Special Rapporteur on violence against women, its causes and consequences, who has the mandate to investigate and report on all aspects of violence against women. It will also promote the Inter-American Convention and the Istanbul Convention, without weakening the implementation of those treaties and without contravening the provisions of other regional conventions on the subject. The committee of experts notes that it is working on a draft model comprehensive law for the prevention, punishment and eradication of violence against women for 2017.

18. The Inter-American Court of Human Rights stresses the importance of dialogue with special procedures mechanisms in order to strengthen the development and effective implementation of human rights standards around the world. It recalls the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women and indicates that, in several judgments, it has reiterated its compulsory jurisdiction to address violations of article 7 of the Inter-American Convention regarding the protection of women from violence. The Court notes that it has developed a significant body of case law of all forms of violence against women and relevant international standards on sexual violence, as well as on violence against women as a form of torture. It also provides, as an addendum, a list of its relevant judgments on gender issues.

C. Group of experts of the Council of Europe on action against violence against women and domestic violence

19. The group of experts of the Council of Europe on action against violence against women and domestic violence, which has recently been set up and is yet to begin evaluating the level of implementation of the Istanbul Convention, recalls the three regional instruments on violence against women and women's rights, namely, the Inter-American Convention on the Prevention, Punishment and Eradication of

Violence against Women, the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa and the Istanbul Convention, that are open for accession to non-member States or for use as an source of inspiration. The group of experts indicates that the development of any new global and legally binding treaty on violence against women would entail the risk of bringing about possible conflicting treaty obligations with the existing regional instruments and may also result in diluting existing standards. It calls attention to the Convention on the Elimination of All Forms of Discrimination against Women and general recommendation No. 19 of the Committee on the Elimination of Discrimination against Women. It considers that the creation of another global convention on violence against women would be likely to entail inconsistent or even conflicting standards in the area and that the creation of an additional monitoring body would add to the monitoring fatigue of States parties. The group of experts stresses the current international political climate and economic situation, which are not conducive to the drafting of an additional instrument on women's rights, and that creating such an instrument would pose the risk of falling behind the existing standards established by the Committee on the Elimination of Discrimination against Women and its general recommendation No. 19, let alone more advanced standards set out in the Istanbul Convention. It believes that the introduction of another instrument at this stage, albeit at the global level, would be premature and pose a challenge to the implementation of existing norms and standards. Priority should be accorded to ensuring the full implementation of the treaties and other instruments that already exist, rather than creating new standards.

D. Association of Southeast Asian Nations Intergovernmental Commission on Human Rights and the Commission on the Promotion and Protection of the Rights of Women and Children

20. The Association of Southeast Asian Nations (ASEAN) Intergovernmental Commission on Human Rights considers that there is no need for a separate legally binding treaty on eliminating violence against women. The ASEAN Commission on the Promotion and Protection of the Rights of Women and Children believes that it is not necessary to have a separate legally binding treaty focused on violence against women with its own monitoring body because of the existence of the Convention on the Elimination of All Forms of Discrimination against Women and general recommendation No. 19 and that, therefore, it would compete for attention and resources. The Commission on the Promotion and Protection of the Rights of Women and Children indicates that reporting to another monitoring body would constitute an additional burden on Governments in terms of resources. It also considers that violence against women should not be isolated in terms of its sociocultural, economic and political-security contexts. It notes that the consolidation and institutionalization of the Convention would be the best strategy, instead of imposing another treaty that might undermine the power and authority of the Committee on the Elimination of Discrimination against Women.

E. Special Rapporteur on the Rights of Women in Africa

21. The Special Rapporteur on the Rights of Women in Africa considers that, in theory, an international treaty on violence against women is needed, but that some

counterarguments should be taken into account. Prime among them is that the real challenge in dealing with the issue of violence against women does not lie in legal inadequacies but rather in implementation. Another argument against a global treaty on violence against women is that some regions, including the Americas, Africa and Europe, could rightfully claim that there is no normative gap. In this regard, a campaign to develop, ratify and implement an additional treaty mechanism would divert efforts and resources that would be better spent on strengthening the existing regional systems of protection. Such an objection can be countered, however, by the fact that Asia and Oceania do not have the benefit of regional protection, yet very grave manifestations of violence against women occur in the Arab, Asia and Oceania regions in general. The Special Rapporteur considers that the adequacy of the legal framework on violence against women is highly nuanced, but that a global treaty would certainly neither impede nor nullify progress in the elimination of violence against women and that, were careful formulation and strategy employed, it could result in gains for the increased protection of women. She also considers that, if a global treaty on violence against women prescribed clear and legally binding enforcement mechanisms at both the international and national levels, it could create some useful harmony to address the fragmentation of policies and legislation to address gender-based violence.

F. Working Group on the issue of discrimination against women in law and in practice

22. The Working Group on the issue of discrimination against women in law and in practice believes that it is neither necessary nor feasible at the present time to invest energy and resources in the development of a new stand-alone convention on violence against women. It would instead be advisable to invest the limited resources available in measures to strengthen existing mechanisms. The Working Group notes that the Committee on the Elimination of Discrimination against Women addresses the issue of violence against women systematically in all its constructive dialogues with State parties, which are subsequently reflected in its concluding observations. In addition, general recommendation No. 19 of the Committee has provided effective international substantive and normative guidance on the issue. Updating it would present a valuable opportunity to strengthen that guidance. The Working Group is of the view that transforming the recommendation into a legally binding protocol could be, at some point and resources permitting, a welcome development.

G. Conclusion

23. The Special Rapporteur on violence against women, its causes and consequences believes that the views of and input from the international and regional mechanisms on the adequacy of the international framework on violence against women have provided the international community with additional information and assessments on the basis of experience gained by these mechanisms in monitoring the implementation of global and regional instruments on violence against women.

24. During the thirtieth session of the Human Rights Council, the Special Rapporteur invited all other stakeholders, including States, non-governmental organizations, other special procedures mandate holders and treaty bodies, national human rights institutions and members of academic institutions, to send their views and input in response to a call for submission in that regard on her official web page.[4] After receiving their responses, a comprehensive assessment of the adequacy of an international framework and action needed on violence against women can be made.

IV. Thematic focus: modalities for the establishment of femicide or gender-related killings watch

A. Introduction: the call for the establishment of a femicide watch

25. The Special Rapporteur has defined femicide, or the gender-related killing of women, as the killing of women because of their sex and/or gender. It constitutes the most extreme form of violence against women and the most violent manifestation of discrimination against women and their inequality.[5]

26. The issue of femicide has received serious attention since the establishment of the mandate of the Special Rapporteur. It is examined systematically during country visits. In 1995, the Special Rapporteur presented a thematic report on violence in the family to the Commission on Human Rights, in which it was highlighted that the dominance of a familial ideology entrenched women's roles as wives and mothers and impeded them from gaining access to non-traditional roles and exposed women who did not fit within or ascribe to traditional sex roles to gender-based hate crimes. The Special Rapporteur emphasized that such an ideology legitimated violence against women, including honour killings and other forms of femicide (see E/CN.4/1999/68). In 2002, the Special Rapporteur presented a thematic report on cultural practices in the family that were violent towards women, referring to honour killings, and noted that those types of crimes were carried out by husbands, fathers, brothers or uncles, sometimes on behalf of tribal councils (see E/CN.4/2002/83). The Special Rapporteur organized an expert meeting on the gender-motivated killing of women in New York in 2011 in order to consolidate and build on national, regional and international expertise with regard to the manifestations and root causes of and State responses to gender-motivated killings of women, discuss policy, legal and institutional challenges at the national, regional and international levels and identify good practices and lessons learned in that regard in various regions (see A/HRC/2016/Add.4). The 2012 thematic report of the Special Rapporteur to the Human Rights Council was focused on the issue of the gender-related killing of women (see A/HRC/20/16).

27. The gender-motivated killing of women is a clear violation of women's rights, including the right to life, freedom from torture and to a life free from violence and discrimination. It is a global phenomenon that takes place in both the private and public spheres and results from, among other things, intimate partner violence, armed conflict, dowry disputes and the protection of family "honour". The gender-

[4] See www.ohchr.org/EN/Issues/Women/SRWomen/Pages/InternationalLegalFramework.aspx.

[5] For the purpose of the present report, the terms "femicide" and "gender-related killing" are used interchangeably.

motivated killing of women is often the final and most serious consequence of pervasive discrimination, in particular acts of violence.

28. In the 2012 thematic report, the Special Rapporteur drew attention to the fact that the gender-related killing of women was not an isolated phenomenon that had arisen suddenly and unexpectedly but was instead the final stage of violence after an extended and ignored continuum of violence that had progressively escalated. In the report, it was noted that the prevalence of such killings was increasing globally.

29. The current Special Rapporteur has decided that one of her immediate priorities is the prevention of femicide and the use of data on violence against women as a tool to that end (see A/HRC/32/42). On 25 November 2015, to mark International Day for the Elimination of Violence against Women, she called upon all States to establish a femicide watch or a "gender-related killing of women watch".[6] She proposed that data on the number of femicides or cases of the gender-related killing of women, disaggregated by the age and the ethnicity of victims and the sex of the perpetrators and indicating the relationship between the perpetrator and the victim or victims, should be published annually, on 25 November, along with information concerning the prosecution and punishment of perpetrators. Given the shortcomings of many national prevention systems, the lack of reliable data and risk assessments and the consequent misidentification, concealment and underreporting of gender-related killings, including of women belonging to ethnic minorities, the proposal would facilitate the collection of crucial information for the development of effective strategies to address this serious human rights violation. Each gender-related killing of women should be analysed carefully to identify any failure of protection, with a view to improving and developing further preventive measures. In the collection, analysis and publication of such data, States should cooperate with non-governmental organizations and independent human rights institutions working in the field, representatives of victims and other relevant international organizations and stakeholders.

30. Building on work and action undertaken at the international, regional, national and local levels, the Special Rapporteur proposes the adoption of a flexible methodology that would be workable for all States to assist them in establishing a femicide watch or gender-related killing of women watch as a separate mechanism or mechanisms attached to existing national mechanisms or observatories on violence against women. Her work on the prevention of femicide and other forms of violence against women also fits into the broader context of the gathering and analysis of data on violence against women envisaged in the Sustainable Development Goals, targets and indicators that, for the first time, include the elimination of violence against women as a target for the achievement of gender equality and the empowerment of women.

31. Research on homicide resulting from intimate partner violence makes clear that, almost without exception, women are at greater risk than men and that the majority of women homicide victims are killed by intimate partners who are men. Studies by the United Nations Office on Drugs and Crime (UNODC) also confirm that, in many countries, intimate partner or family-related homicide is the major cause of homicide against women and that their homicide rates are much more likely to be driven by this type of violence than by the organized crime-related

[6] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16796&LangID=E.

homicide typology that disproportionately affects men. In 2012, almost half of all women who were murdered worldwide (47 per cent) were killed by a family member or intimate partner, compared with 6 per cent of homicide victims who were men.[7] As with all forms of intimate partner violence, intimate partner femicide is likely to be significantly undetected and underreported. Prosecutions usually do not integrate a gender perspective. There is a clear need to focus on femicide for the purpose of establishing modalities for a national femicide watch and observatories on violence against women.

32. To assist the Special Rapporteur in defining modalities for the establishment of such mechanisms at the national level, which would, beyond the systematic and detailed recording of femicides, underpin the development of effective measures and strategies needed to prevent femicides, the Centre for Women, Peace and Security at the London School of Economics convened an expert group meeting on femicide on 1 June 2016. It brought together 16 experts from the academic world, civil society organizations and United Nations agencies and bodies with technical and practical expertise and experience in working on violence against women, including on statistics and crime prevention, who discussed recent global and regional initiatives in the area of femicide. The discussion and material shared by the participants informed the present report to a large degree, as did contributions by other experts and United Nations agencies, especially UNODC.

B. Key steps at the intergovernmental level

1. General Assembly resolutions on taking action against the gender-related killing of women and girls

33. In 2013, the Commission on Crime Prevention and Criminal Justice initiated a resolution on the gender-related killing of women that was adopted by the General Assembly (resolution 68/191). For the first time, this issue was placed at the highest level of the international political agenda. It its resolution, the Assembly expressed its deep concern for the alarming proportion of different manifestations of the gender-related killing of women and girls and for their high level of impunity and called for renewed action. It urged Member States to exercise due diligence to prevent and investigate acts of violence against women and eliminate impunity. Recognizing the key role of the criminal justice system in preventing and responding to the gender-related killing of women and girls, the Assembly also invited Member States to strengthen their criminal justice response. Furthermore, it requested the Secretary-General to convene an open-ended intergovernmental expert group meeting to discuss ways and means to more effectively prevent, investigate, prosecute and punish the gender-related killing of women and girls, with a view to making practical recommendations, drawing on current best practices. That expert group meeting, held in Bangkok in November 2014, resulted in a set of recommendations on practical steps against the gender-related killing of women (see UNODC/CCPCJ/EG.8/2014/2), to which the Special Rapporteur provided input.[8]

[7] See UNODC, "Global study on homicide 2013: trends, contexts, data", pp. 49-56.

[8] See also www.ohchr.org/Documents/Issues/Women/WRGS/Gender_related_killing_ebook.pdf. This booklet provides a summary of general information about United Nations support and assistance to counter gender-related killing and offers recommendations on the subject. It builds

34. In 2015, the Secretary-General submitted a report to the General Assembly on action against the gender-related killing of women and girls (A/70/93), in which he reiterated the recommendations made at the expert group meeting. In a second resolution, also initiated by the Commission on Crime Prevention and Criminal Justice and adopted by the General Assembly (resolution 70/176), on taking action against the gender-related killing of women and girls, the Assembly reiterated its call for action by Member States with the support of the United Nations. It noted that one of the every two women victims of homicide was killed by her intimate partner or a family member. The Assembly called upon Member States to strengthen criminal justice responses to the gender-related killing of women and girls; enhance international cooperation and the exchange of good practices in criminal matters related to gender-based violence; promote integrated and comprehensive strategies to prevent the gender-related killing of women and girls, which included early and continuous educational programmes, community mobilization and awareness-raising, in order to counter attitudes and social factors that fostered, justified or tolerated any violence against women and girls; adopt integrated and comprehensive responses to violence against women in order to reduce risks of gender-related killing through a number of listed measures; address impunity and punish perpetrators; provide support for victims; and collect, disaggregate, analyse and report data on the gender-related killing of women and girls, according to the International Classification of Crime for Statistical Purposes endorsed by the Statistical Commission and, where appropriate, to the extent possible, involve civil society, academia, victims' representatives and relevant international organizations. Resolution 70/176 contains stronger language in relation to data collection. In it, the Assembly requested UNODC to prepare an analytical study on the gender-related killing of women and girls at the global level, containing disaggregated data, including from relevant stakeholders, on the phenomenon to illustrate its different forms and patterns.

2. Current data collection on homicide and femicide

35. The case has been repeatedly made that the collection, analysis and sharing of relevant data are crucial for effective and coordinated measures to prevent, investigate and prosecute the gender-related killing of women. To accomplish these goals, detailed data are required to gauge the magnitude and dimensions of the problem, to establish baselines, to identify groups at high risk, to focus intervention and prevention efforts where they are needed most, to monitor changes over time, to assess the effectiveness of interventions and to address the harm to victims of violence (see A/70/93). In this regard, it has been noted that the comparability and availability of precise statistics is key to defining the spectrum of gender-related killing in its various manifestations, causes and consequences (see ibid.).

36. There exist various sources of data and information on gender-related killing. These include administrative records of law enforcement and judicial sources and population-based sources of information, such as victimization, demographic and health surveys to estimate the exposure of women to partner and non-partner

upon the report of the Secretary-General on the outcome of the intergovernmental expert group meeting on gender-related killing of women and girls (E/CN.15/2015/16), the report of the Secretary-General on action against gender-related killing of women and girls (A/70/93) and the report of the Special Rapporteur on violence against women, its causes and consequences (A/HRC/10/16).

violence. Nevertheless, these sources have their limitations, as noted by the Secretary-General (see ibid.).

37. UNODC is leading global efforts to improve and compare crime and criminal justice data. Its report, entitled "Global study on homicide 2013",[9] contains a section on interpersonal homicide. The approach of UNODC is that, given the numerous challenges of comprehensively measuring gender-related violence, exploring intimate partner and family-related homicide is one way of gaining a clearer understanding of the killing of women because of gender motives.[10]

38. The point of departure of UNODC in relation to data on gender-related killings is the International Classification of Crime for Statistical Purposes,[11] endorsed by the Statistical Commission in March 2015 and the Commission on Crime Prevention and Criminal Justice in May 2016. The latter entity established an international statistical standard for data collection, drawn both from administrative records and survey-generated data. The classification adopted does not specify crimes but rather focuses on the motivation behind the crime. In other words, the crime classification framework is based on behavioural descriptions instead of legal codes. Femicide therefore falls under the classification of intentional homicide, namely, unlawful death inflicted upon a person with the intent to cause death or serious injury.[12] Three classification criteria are applied once a particular act of killing is to be classified, which further characterize the intentional homicide and can be used to define it in more detail.[13] These criteria are the situational context, the relationship between victim and perpetrator and the mechanism of killing. Of importance for femicide is that interpersonal homicide, namely, homicide committed by an intimate partner or family member, including a former partner, spouse or family member, other interpersonal homicide (i.e., relating to neighbour or property disputes, revenge-related killings or brawls or mass shootings) and homicide relating to other criminal activities and sociopolitical homicides, fall under the criterion of situational context. Within the additional disaggregation of a relationship between the victim and perpetrator, the intimate partner of a family member and other perpetrators known to the victim and perpetrators unknown to the victim are recorded. Lastly, within the disaggregation of "mechanism of killing", the type of weapon or other means used is recorded.

39. The Special Rapporteur notes that UNODC has embarked, as part of its work to build the evidence base, on the strengthening of United Nations data-collection systems, the development of standards for comparative justice statistics and the development of the "global picture" of gender-related killing. She also notes that UNODC has initiated a process to establish a methodological approach to define each crime classification, including interpersonal homicide, and that discussions in that regard already began at the first global meeting of the focal points of the United Nations Survey of Crime Trends, Operations of Criminal Justice Systems and Crime Prevention Strategies, in May 2016.

[9] See UNODC, "Global study on homicide 2013: trends, contexts, data", p. 49.
[10] Ibid.", p. 52.
[11] See UNODC, "International classification of crime for statistical purposes: version 1.0" (March 2015). Available from www.unodc.org/documents/data-and-analysis/statistics/crime/ICCS/ICCS_final-2015-March12_FINAL.pdf.
[12] Ibid., p. 33.
[13] Ibid., tables III-V.

3. New opportunity: the 2030 Agenda for Sustainable Development

40. In September 2015, the General Assembly adopted the 2030 Agenda for Sustainable Development (resolution 70/1), which sets out 17 Sustainable Development Goals and 169 targets to be achieved within the coming 15 years. Sustainable Development Goal 5 is to achieve gender equality and empower all women and girls. What is remarkable is that gender equality and women's empowerment are recognized as "a crucial contribution to progress across all the Goals and targets". Goal 5 has nine specific, interrelated and mutually supportive targets that address many important barriers to advancing women's rights and are accompanied by gender-specific targets and indicators across other Goals.[14]

41. Violence against women is specifically addressed in target 5.2 on the elimination of all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation. Two indicators are key: the proportion of ever-partnered women and girls aged 15 years and older subjected to physical, sexual or psychological violence by a current or former intimate partner in the previous 12 months, by form of violence and by age group (5.2.1) and the proportion of women and girls aged 15 years and older subjected to sexual violence by persons other than an intimate partner, in the previous 12 months, by age group and place of occurrence (5.2.2). Another directly relevant target is 5.3 on the elimination of all harmful practices, such as child, early and forced marriage and female genital mutilation. Two indicators are key for this target: the percentage of women aged 20-24 who were married or in a union before age 15 and before age 18 (5.3.1) and the percentage of girls and women aged 15-49 who have undergone female genital mutilation/cutting, by age group (5.3.2).

42. Target 5.1, on ending all forms of discrimination against all women and girls everywhere, is also extremely relevant for violence against women in the light of the intrinsic connection between it and structural discrimination and inequality.

43. Another relevant Goal for violence against women is Goal 16, to promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels, in particular target 16.1, to significantly reduce all forms of violence and related death rates everywhere, and target 16.2, to end abuse, exploitation, trafficking and all forms of violence against and torture of children.

44. Goal 11, to make cities and human settlements inclusive, safe, resilient and sustainable, and target 11.2, to provide access to safe, affordable, accessible and sustainable transport systems for all, improving road safety, notably by expanding public transport, with special attention to the needs of those in vulnerable situations, women, children, persons with disabilities and older persons, and target 11.7, to provide universal access to safe, inclusive and accessible, green and public spaces, in particular for women and children, older persons and persons with disabilities, are also directly relevant.

45. A global indicator framework was developed and proposed by the Inter-Agency and Expert Group on Sustainable Development Goal Indicators as a tool to follow up on and review the implementation of the 2030 Agenda. The Statistical

[14] The prioritization of gender equality and women's rights is reflected in most elements of the 2030 Agenda, including the declaration, the Goals, targets and indicators and the follow-up and review.

Commission agreed in March 2016 to use this framework, which includes a total of 230 indicators, as a practical starting point. Mindful that the set of indicators may lack sound methodologies and significant country coverage, the Expert Group intends to regularly update and refine the indicators as they evolve and new forms of technology will allow for better and more complete data collection.

46. The Millennium Development Goals contained no targets or indicators relating to violence. By comparison, the 2030 Agenda contains several targets and indicators on the magnitude of the various forms of violence against women.

47. Gender-based violence is therefore acknowledged in the 2030 Agenda as a major obstacle to social and economic development and to the achievement of the Sustainable Development Goals. Indeed, violence against women undercuts sustainable development by obstructing women's participation in development and undermining the goals of development. The integral connection between violence against women and development is therefore clearly made in the 2030 Agenda.

48. The implementation of the 2030 Agenda provides a new opportunity to accelerate progress in achieving gender equality, the empowerment of women and girls and the elimination of violence against women through, among other things, improving the collection of data on violence against women in general and femicide in particular. The collection of reliable and comparable data is needed to prevent such violence. Data requirements to effectively monitor the Goals for women and girls will be substantial and significant investments and capacity-building will have to be made to fill the data gaps that have been identified.

49. There is an opportunity to improve the data requirements of the Goals, which will also provide an impetus for increased cooperation among the relevant United Nations agencies, namely, the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), the Office of the United Nations High Commissioner for Human Rights and UNODC, but also human rights mechanisms, such as the Special Rapporteur on violence against women, its causes and consequences, the Working Group on the issue of discrimination against women in law and in practice and the Committee on the Elimination of Discrimination against Women.

50. The Special Rapporteur believes that data on femicide should be seen as an important indicator for the elimination of violence against women.

51. The Under-Secretary-General and Executive Director of UN-Women powerfully said at the time of the adoption of the 2030 Agenda:

> Data on their own will not change lives, but we will not change lives without them. With the right metrics and illuminating information, we can inform policies, check on progress and hold leaders accountable if they fall behind on their commitments. We need 2030 to be the point when the lives of girls and women have been changed irreversibly, sustainably and substantively for the better.

52. The message of the 2030 Agenda of leaving no one behind is key to reaching out to the most marginalized women, including women who are victims or at risk of violence, including in its most extreme lethal form.

C. Good practices on femicides and data collection

1. Governmental and non-governmental models for femicide reviews

53. The Special Rapporteur wishes to acknowledge some laudable initiatives by Governments and civil society actors that she encountered while preparing the present report. These initiatives serve as good practices and models for the establishment of femicide reviews and observatories, help to understand the phenomenon of femicide, unpack its causal factors and collect data and can be used as a springboard for action. The initiatives described below are therefore not exhaustive.

54. The Domestic Violence Fatality Review collects data about all domestic violence-related homicides and suicide deaths in Washington State, United States of America.[15] Community review teams examine the events leading up to these deaths and take an in-depth look at how community systems responded to domestic violence. They identify gaps in laws, policy, practice, training and resources and, on that basis, make policy recommendations to strengthen the community response to domestic violence, increase safety and choices for survivors and their children, hold abusers accountable and prevent violence before it begins. In addition to in-depth case reviews, the project collects data on all domestic violence-related homicide and suicide deaths. Its definition of a domestic violence fatality is specific to intimate partner violence and includes homicides by any current or former intimate partner; friends, family, new partners or police officers killed by abusers in the context of intimate partner abuse; abusers killed by victims, police or someone intervening; and suicides of abusers following a domestic violence homicide or assault. The Review combines information about domestic violence fatalities with other state-wide data sources, including death certificates, court records and census data, to produce a rich analysis on a wide range of issues. Examples of its research and data analysis include the connection between domestic violence history and suicide, the disproportionate rates of domestic violence homicide by race, domestic violence homicide victims' past use of child support enforcement and pregnancy rates among victims killed by intimate partners.

55. The femicide census project in the United Kingdom of Great Britain and Northern Ireland[16] began by using social media and blogging and later developed into an advocacy tool for the country to gather statistics in a different manner. It reports on the perpetrators and victims equally and includes a wide range of information about women who have been killed by men. It has relied on support from the private sector for the establishment and maintenance of its website. Information found in the census was gathered initially from a set of names that had been collected since January 2012 and recorded in a blog entitled "Counting dead women".[17] The author of that blog had searched the Internet for news of women who had been killed by men.

56. Those data had been gathered from publicly available sources, in particular media articles, and also included details of the perpetrators and the incident, including the date, names, police force jurisdiction, information about children, the recorded motive and the weapon used. Some of the data are verified, emanating

[15] See https://dvfatalityreview.org/washingtonstatedvfr/.
[16] See www.womensaid.org.uk/what-we-do/campaigning-and-influencing/femicide-census/.
[17] See https://kareningalasmith.com/counting-dead-women/.

from official reports, while other data, from media reports, are unverified. The census records women killed by men under any circumstance, not just intimate partner violence. Data are disaggregated by age, nationality, ethnicity and occupation of both the victim and perpetrator. Information on the health condition of the victim, including whether she was pregnant, and the relationship status with her perpetrator are recorded. This includes whether they were separated and, if so, the time that had elapsed between the actual separation or end of the relationship and the victim's death (from the information analysed, it appears that 53 per cent of intimate partner violence took place within one month of separation), whether the femicide took place in a context of the victim having rejected the perpetrator's advances or was committed in the course of another crime (e.g., high level of killings of older women in the course of burglaries) and any other information that would shed light on the nature of the femicide.

57. For more than 25 years, the Minnesota Coalition for Battered Women has been producing a "femicide report",[18] an annual report on domestic violence homicides in the state. It lists the number of victims of domestic homicide and is compiled from news accounts and information provided by law enforcement agencies, county attorneys, court administrators, battered women's programmes and family members and friends of the victims. The Coalition notes that the murder of women and children of colour, women and children living in poverty, rural women and children, lesbian, bisexual and transgender women and women and children used in prostitution and sex trafficking may be underreported in its listing, given that such crimes are often not reported in the media.

58. An observatory of domestic violence against women and access to justice[19] was established by the Government of Costa Rica in June 2015 to reflect work on the prevention, treatment and punishment of violence against women. It serves as an information platform, presenting the various manifestations of violence against women, and raises awareness of responses to such violations. It also reviews the statistics on violence against women provided by civil society organizations.

59. The Special Rapporteur notes that other categories with regard to the victim that would be valuable to track for such initiatives would be whether she was a woman human rights defender, whether she was homeless, her sexual orientation, whether she was an indigenous woman or girl and the mental health of the perpetrator (e.g., depression or threats to commit suicide).

60. The Special Rapporteur is aware that there are many more initiatives and projects similar to those mentioned above and invites all States and other stakeholders to provide her with examples of good practices in this area.

2. Legislative and policy measures

61. The Latin American Model Protocol for the Investigation of Gender-related Killing of Women[20] offers guidelines for carrying out an effective criminal investigation of gender-related killings, in accordance with the international obligations assumed by States. It is aimed at assisting States in Latin America in

[18] See www.mcbw.org/#!femicide-report/ctod.

[19] See www.poder-judicial.go.cr/observatoriodegenero/quienes-somos/bienvenida/.

[20] Available from www.un.org/en/women/endviolence/pdf/LatinAmericanProtocolForInvestigationOfFemicide.pdf.

complying with due diligence in cases of femicide and in strengthening efforts aimed at ensuring that women enjoy a life free from violence and discrimination. The Model Protocol is based on an emblematic case of femicide brought before the Inter-American Court of Human Rights, known as the "Cotton Field" case (see para. 69 below), the verdict and legal reasoning of which represented significant progress in efforts to combat impunity in relation to femicide in the region, not only as a precedent in case law, but also because it put pressure on States to uphold specific obligations with regard to investigation, punishment and reparation in such cases.[21]

62. Several Latin American countries have already integrated or are working on integrating the Model Protocol into their legal systems and others have expressed an interest in doing so. The key problems that it is intended to address include the impunity relating to omissions and failures in investigations into cases of femicide, the contamination of the crime scene, the culture of discrimination on the part of judges and the high reliance on witness testimony.

63. Under the Model Protocol, femicide is understood as the murder of women because they are women, whether committed within the family, a domestic partnership or any other interpersonal relationship or by anyone in the community, or whether perpetrated or tolerated by the State or its agents.[22] Emphasis is placed on safeguarding the rights of suspects and on improving judicial capacity. Investigations are judged on both methods and results, while the State works towards a transformative reparations. By recognizing that the violence that affects women is determined not only by their sexual and gender status, but also by differences in terms of economic status, culture, age, race, language and religion/cosmogony, it requires an intersectional analysis of the forms of violence that might have affected the femicide victim before, during or after the crime.[23]

64. The Model Protocol identifies behaviour that causes death and other harm, with a motive based on gender, emphasizing the responsibility of the perpetrator and tracking signs and evidence of a history of violence in the perpetrator through, among other things, the health systems and police reports. It highlights the underlying and recurrent problem that "no one connects the dots" before women are killed.

65. Many States in Latin America and the Caribbean have specialized legislation that defines femicide as a specific crime. By 2015, 16 countries in the region had modified their laws to include a specific type of crime referring to the murder of women under the name of femicide or feminicide or as an aggravating circumstance of homicide.[24] The most recent countries to enact femicide laws have been Brazil, in March 2015, and Colombia, in July 2015. These two laws are considered to be model legislation, given that they involve all key line ministries, include prevention measures and, in the case of Brazil, arose from the adoption of the Model Protocol. While legislation on femicide is important, it is not an end in itself. It is necessary to emphasize, as the committee of experts on the follow-up mechanism to the

[21] See www.corteidh.or.cr/docs/casos/articulos/seriec_205_ing.pdf.

[22] UN-Women, Secretary-General's Campaign UNiTE to End Violence against Women and the Office of the United Nations High Commissioner for Human Rights, *Latin American Model Protocol for the Investigation of Gender-related Killing of Women*, p. 14.

[23] Ibid, p. 43.

[24] See http://oig.cepal.org/sites/default/files/noteforequality_17.pdf.

implementation of the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women outlines, the need for justice administration bodies to follow up on the implementation of the criminal law and the aggravating circumstances presented therein.

66. The Special Rapporteur is aware that there are many more legislative and policy measures than those mentioned in the present report and invites all States and other stakeholders to provide her with examples of initiatives and measures in this field.

3. Jurisprudence on femicide and a global database

67. At the global level, the Committee on the Elimination of Discrimination against Women had dealt with two cases, *Goekce (deceased) v. Austria* (communication No. 5/2005) and *Yildirim (deceased) v. Austria* (communication No. 6/2005),[25] in which both victims were murdered by their husbands following years of brutal abuse. Even though the violence had been reported to the police and protection orders had been obtained, a lack of coordination among law enforcement and judicial officials resulted in the repeated failure to detain the offenders and ensure the women's safety. Two non-governmental organizations took the cases to the Committee under the Optional Protocol to the Convention on the Elimination of Discrimination against Women. The Committee's decisions on the cases, rendered in 2007, were of global significance because they made clear that the State's obligation to protect women from domestic violence extended beyond passing laws. The Committee found that Austria had failed to act with due diligence by not ensuring that the law had been implemented properly. In response to the Committee's recommendations and the media attention that surrounded the cases, the Government of Austria introduced and accelerated legal reforms to protect women from violence, including an amendment to the Code of Criminal Procedure, new protection measures and the creation of specialized domestic violence prosecutors.

68. At the regional level, in *Opuz v. Turkey*,[26] the European Court of Human Rights decided that Turkey was in breach of the Convention for the Protection of Human Rights and Fundamental Freedoms for failing to protect the applicant and her mother from the violent attacks of her spouse in circumstances that resulted in the murder of the mother.

69. In *Caso González y Otras v. México*[21] (the "Cotton Field" case), the Inter-American Court of Human Rights decided that Mexico had violated the rights, under the Inter-American Convention of Human Rights, of three women who had disappeared and been tortured and murdered. It also found that their mothers' rights under the Convention had been violated. In so doing, the Court recognized that violence against women in the city of Juárez, which had been occurring since 1993, was a structural violation of human rights for which the State was responsible and ordered reparations, including measures of non-repetition, acknowledgement and concrete action in relation to cases since 1993.

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[25] CEDAW/C/39/D/5/2005 and CEDAW/C/39/D/6/2005, respectively.

[26] Available from http://hudoc.echr.coe.int/eng#{"dmdocnumber":["851046"],"itemid":["001-92945"]}.

70. The Supreme Court of Colombia recently passed judgment on how femicide[27] was a gender-related crime and why it should be prosecuted as harshly as possible. In its first-ever case of convicted femicide, it sentenced the perpetrator to 18 years in prison for the brutal murder of his wife on the grounds that the killing had been motivated by his wife's gender.

71. In another landmark ruling,[28] the Supreme Court of Mexico ordered the reopening of the investigation into the suspicious suicide of a women and ordered that it should be reinvestigated "from the perspective" of femicide or the murder of a woman by a man for reasons relating to her gender. The Court declared that it was the "duty of investigative bodies to investigate every violent death of a woman, to determine whether or not this is a case of femicide", thereby affecting countless other cases of unresolved femicides in the country and having implications for all levels of investigation into such crimes.

72. The Special Rapporteur intends to establish an online collection of landmark court cases on femicide. She believes that such rulings provide examples of the application of relevant international, regional and national standards and are useful tools for lawyers, prosecutors and judges working on similar cases.

73. The Special Rapporteur calls upon States, courts, academic institutions and all relevant stakeholders to submit all such cases from regional and national courts that could form a global database on her official website.

74. Recognizing the need for a credible collection of good practice on the prevention of femicide, the Special Rapporteur invites all States and other stakeholders to provide her with examples of good practices on femicide reviews and examples of legislation and jurisprudence that could be used as a good practices by others.

D. Conclusions and recommendations

75. The international human rights framework composed of global and regional instruments on women's rights and violence against women establishes three levels of responsibility on the part of the State to eliminate discrimination and violence against all women including femicides and guarantee women a life free of violence.

76. The first level of responsibility is related to violence perpetrated by the State through its national authorities, which may be in breach of its obligations under international human rights law in general and, in particular, under the Convention on the Elimination of All Forms of Discrimination against Women and general recommendation No. 19 of the Committee on the Elimination of Discrimination against Women. The State obligation is reflected in article 2 (d) of the Convention, which requires that States parties, including their national bodies and agents, refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions act in conformity with this obligation. This obligation includes the duty to ensure that laws, policies, programmes and procedures are not

[27] See www.corteconstitucional.gov.co/RELATORIA/2015/C-022-15.htm.
[28] See www.internet2.scjn.gob.mx/red2/comunicados/noticia.asp?id=3060.

discriminatory against women and that an effective legal framework is in place to address all forms of gender-based violence.

77. The second level of responsibility is related to violence against women perpetrated by non-State actors or private persons in which States parties will be responsible under article 2 (e) of the Convention, which requires them to take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise. This level of responsibility requires the adoption and implementation of measures to protect women from gender-based violence committed by non-State actors and obliges States parties to have legal provisions and a system in place to address all forms of violence against women committed by private actors. This obligation of due diligence requires all State agents and bodies to adequately and diligently prevent, investigate, punish and provide remedies for acts of gender-based violence done by private persons. The failure of a State to act with due diligence to prevent acts of violence against women, when its authorities know or should know about the danger of violence, or to investigate and punish such acts constitutes a human rights violation.

78. The third level of responsibility is to empower women and girls by taking measures to ensure the full development and advancement of all women, in particular in the political, economic and cultural fields.

79. The importance of data collection is also broadly recognized in international human rights law, including the Convention on the Elimination of All Forms of Discrimination against Women and the recommendations made by the Committee on the Elimination of Discrimination against Women, which provides a legal basis and practical guidance for the promotion and development of statistics, disaggregated by sex.[29] The Committee explicitly recognized the importance of statistical data to understand the situation of women and recommended that States should ensure that their national statistical services formulated their questionnaires in such a way that data could be disaggregated according to gender. In paragraph 24 (c) of its general recommendation No. 19, the Committee recommended that States parties should encourage the compilation of statistics and research on the extent, causes and effects of violence and on the effectiveness of measures to prevent and deal with violence.

80. At the regional level, article 8 (h) of the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women established the agreement by States to take progressively specific measures, including programmes, to ensure research and the gathering of statistics and other relevant information relating to the causes, consequences and frequency of violence against women. Article 11 of the Istanbul Convention established that States parties should undertake to collect disaggregated relevant statistical data on cases of all forms of violence.

81. The Special Rapporteur also recalls General Assembly resolutions 68/191 and 70/176 on taking action against gender-related killing of women and girls. In the latter resolution, the Assembly encouraged Member States to collect,

[29] See Office of the United Nations High Commissioner for Human Rights, "Human rights indicators: a guide to measurement and implementation" (2012), p. 75.

disaggregate, analyse and report data on the gender-related killing of women and girls and to ensure that appropriate punishments for perpetrators of the gender-related killing of women and girls are in place and are proportionate to the gravity of the offence.

1. General recommendations in relation to the prevention of femicide

82. States should undertake to do the following:

(a) Ratify, fully incorporate and accelerate the implementation of relevant international and regional conventions on violence against women and gender equality;

(b) Review and update legislation on violence against women in order to strengthen the prevention of violence against women, the prosecution of perpetrators and the provision of services and compensation for victims of such violence. States should, in particular, repeal all criminal provisions on homicide, femicide and violence against women that include factors, including passion, honour, provocation and violent emotion, that allow perpetrators to escape criminal responsibility for femicide;

(c) Collect and publish data on femicide and other forms of violence against women and establish a femicide watch or observatories on violence against women with such functions;

(d) Cooperate to establish and implement a common methodology for the collection of comparable data and the establishment of a femicide watch;

(e) Provide police and prosecutors with specific expertise on risk assessment and risk management, establish specialized units on violence against women and encourage courts to gain specific expertise on femicide and violence against women.

2. Recommendations on modalities for the establishment of a femicide watch and/or observatory on violence against women

83. The Special Rapporteur recommends the following modalities for the establishment of a national femicide watch and/or observatories on violence against women:

(a) There should be a flexible model for the establishment of a national femicide watch that should depend on the needs and national realities of each State. Where there is no such mechanism, they should be established where there are existing systems and structures for reporting violence against women and incorporated into them;

(b) States should systematically collect relevant disaggregated data on all forms of violence against women, in particular on femicide or the gender-related killing of women, which could include the killing of children in this regard. States should disaggregate data on femicide under two broad categories, which could include subcategories in line with their national realities, namely, intimate partner femicide or family-related femicide, based on a relationship between the victim and the perpetrator, and other femicides;

(c) States should establish a femicide watch or femicide review panels or observatories on violence against women at the global, national or regional level in order to analyse data on femicide and propose concrete measures to prevent such crimes (see A/HRC/32/42, para. 45);

(d) Femicide watch panels should be established as interdisciplinary bodies with the inclusion of legal professionals, ombudspersons and representatives of non-governmental organizations and be connected to or integrated with existing mechanisms on the prevention of violence against women, such as observatories on violence against women and bodies that monitor the implementation of national action plans on violence against women. If the panel is integrated into an existing mechanism, it should be high-profile, for example, as a special unit or project;

(e) Non-governmental organizations or national human rights institutions could establish their own femicide watch reviews panels;

(f) The mandate of femicide watch panels or observatories on violence against women would include systematic analyses of all cases of femicide, including court cases, with the aim of determining gaps in the response system to such violence, the criminal justice system and judicial procedures and of establishing risk factors to prevent such violence and to protect women and girls from femicide;

(g) As far as possible, such femicide reviews should include suicide cases and the killing of children relating to gender-based violence against their mothers;

(h) In every case, the personal information that has been provided by the victims and the family members should be incorporated only into databases with their informed consent with regard to its possible use. This information should be protected in accordance with international standards on the protection of privacy.

I. Introduction

1. In its resolution 70/140, the General Assembly reiterated that all human beings were born free and equal in dignity and rights and had the potential to contribute constructively to the development and well-being of their societies, and that any doctrine of racial superiority was scientifically false, morally condemnable, socially unjust and dangerous, and must be rejected, together with theories that attempted to determine the existence of separate human races. The Assembly acknowledged the efforts and initiatives undertaken by States to prohibit discrimination and segregation and to engender the full enjoyment of economic, social and cultural rights as well as civil and political rights. The Assembly emphasized that, despite efforts in that regard, millions of human beings continued to be victims of racism, racial discrimination, xenophobia and related intolerance, including their contemporary manifestations, some of which were taking violent forms.

2. In the same resolution, the General Assembly welcomed the efforts that had been made by civil society in support of the follow-up mechanisms in the implementation of the Durban Declaration and Programme of Action and underlined the primacy of the political will, international cooperation and adequate funding at the national, regional and international levels to address all forms and manifestations of racism, racial discrimination, xenophobia and related intolerance for the successful implementation of the Durban Declaration and Programme of Action. The Assembly recognized and affirmed that the global fight against racism, racial discrimination, xenophobia and related intolerance and all their abhorrent and contemporary forms and manifestations was a matter of priority for the international community.

3. In accordance with previous practice and pursuant to resolution 70/140, the present report summarizes information received from various stakeholders. In preparing the report, the Office of the United Nations High Commissioner for Human Rights (OHCHR) requested information from Member States, national human rights institutions and similar bodies and civil society organizations on the implementation of the resolution. Submissions were received from 17 States: Algeria, Bahrain, Costa Rica, Cuba, Denmark, Ecuador, Greece, Italy, Lithuania, Mexico, Peru, Qatar, Saudi Arabia, Sudan, Turkey, Turkmenistan and Uzbekistan. Contributions were also received from the secretariat of the Ukrainian Parliament Commissioner for Human Rights. The report also provides an update of the activities of OHCHR in this field.

II. Information received from Member States

Algeria

4. Algeria reported that its national legislation prohibited all forms of discrimination, including racial discrimination. Its Constitution expressly provided for the principle of equality for all. That principle of equality was also reflected in national legislation, including the Electoral Code, the Civil Code and the Criminal Procedure Code. Algeria also noted that it had strengthened its activities with respect to the effective implementation of international conventions.

5. Algeria noted amendments to the Penal Code in 2014. New provisions were introduced to criminalize acts of racial discrimination, in particular by introducing penalties against anyone who committed acts of discrimination, exclusion, restriction or preference based on sex, race, colour, descent, national or ethnic origin or disability. The reform also extended criminal liability to corporations.

Bahrain

6. Bahrain reported that it had adopted a number of concrete actions aimed at fighting and eliminating all forms of extremism and racial intolerance. Those included the launch of human rights curricula in local universities and the introduction of a press charter, which contained calls to refrain from alignment with racist proclamation, including with regard to contempt or hatred of religions, or those that propagate discrimination based on the opinion or belief of a certain sect in society. Action also included the introduction of a charter of honour for those who preach through religion platforms in Bahrain, calling for adherence to a moderate religious discourse that promotes the values of coexistence and brotherhood and for distancing religious discourse from political agitation and incitement to hatred and discrimination on the grounds of ethnic or ideological affiliation.

7. A number of amendments to labour laws were also introduced that explicitly prohibited discriminatory practices in employment. Bahrain reaffirmed its full commitment to fighting the culture and practice of racial discrimination through the implementation of internationally recognized best practices.

Costa Rica

8. Costa Rica referred to the amendment of article 1 of its Constitution, in August 2015, to affirm the multi-ethnic and multicultural character of Costa Rica as a democratic, free, independent, multi-ethnic and multicultural republic. The new provision served as the cornerstone for the construction of a diverse society that promoted equal opportunities and treatment, as well as the possibility of participating in public and social life for all persons and groups irrespective of their cultural, ethnic, racial, religious or linguistic identity.

9. Costa Rica noted the development of a national policy for a society free of racism, racial discrimination and xenophobia for the period 2014-2025. The policy reflected the aspiration of Costa Rica to become a more inclusive and respectful society that was free of discrimination, sensitive to sociocultural and ethnic diversity, governed by democratic principles, in favour of people's well-being and in search of greater social harmony, peaceful coexistence and the coexistence of cultures, people and groups from different backgrounds. The policy targeted at-risk and vulnerable groups as a priority, namely people of African descendant, indigenous or native peoples, migrants and refugees.

10. With regard to people of African descent in particular, the Office of the Presidential Commissioner for Afro-descendant Affairs was established in January 2015 as a permanent institutional platform charged with articulating actions for the

effective fulfilment of the rights of people of African descent. In the same vein, ministries, central government agencies and decentralized institutions were entrusted with the formulation of public policies with a view to implementing the programme of activities of the International Decade for People of African Descent.

Cuba

11. Cuba indicated that it had implemented several initiatives, including the elaboration and broadcasting of its national plan for the International Decade for People of African Descent and the promotion of anniversary celebrations honouring people of African descent and the fight against racial discrimination, including the bicentennial celebration of Mariana Grajales Coello.

12. Cuba highlighted various academic activities and other events, including: an Afro-American anthropology workshop; an arts festival; an international festival of socioreligious studies; a cultural gathering of people of African descendant; a history workshop on the life and work of Italo Calvino; the Wemilere Festival of African Roots; a workshop on men and women in the Cuban war of independence; a workshop on Afro-American social and cultural anthropology; a festival dedicated to popular religiosity in the Caribbean region; an activity on Cuban national culture and reality; and a postgraduate course on Africa, transculturation and current Cuban society.

Denmark

13. Denmark noted that, since 2015, the overall responsibility for the prevention of and the fight against hate crimes, as well as annual reporting on the number of hate crimes in Denmark, had been transferred to the Danish national police from the Danish security and intelligence service.

14. To that end, the national police had initiated national monitoring of hate crimes in order to obtain valid and continuous information on the issue. The monitoring would provide information about the actual extent of hate crimes and related developments and would enable appropriate processing of cases.

15. For example, when a criminal offense thought to be a hate crime was subject to police investigation, the local police would report the case to the Danish national police through the monitoring system. On the basis of the cases reported, the Danish national police would draw up an annual report mapping the nature of the hate crimes committed in that given year. The report would provide a national overview and serve as the basis for further considerations regarding efforts to prevent hate crimes.

16. Pursuant to section 266 (b) of the Danish Criminal Code, any person who publicly or with the intent of dissemination to a wide group, issued a statement or other communication threatening, humiliating or degrading persons of a particular group because of their race, colour, national or ethnic origin, religious faith or sexuality would be fined or sentenced to prison for a term not to exceed two years.

Ecuador

17. Ecuador reaffirmed its strong commitment to implementing the International Decade for People of African Descent and referred to its Executive Decree No. 915 of February 2016, in which the realization of the goals and objectives of the programme of activities of the International Decade was referred to as a national priority. In that regard, regular consultations were held between the Government and all relevant stakeholders with a view to developing concrete and efficient policies and public actions to ensure the improvement of the living conditions of people of African descent in several respects.

18. With regard to the right to education, Ecuador guaranteed, among other things, the right of people to learn in and about their own language and culture, specifically through the implementation of an intercultural bilingual education system, which was an integral part of the national education system. The intercultural bilingual education system aimed to develop, promote and implement public policies for intercultural bilingual education, in conjunction with community and social actors, with a view to ensuring the right to a quality education that was culturally and linguistically relevant and that respected the right of people to learn in and about their own language and culture.

19. Ecuador highlighted other measures, including its implementation of affirmative action policies. In that regard, the Constitution provided that the State should take such measures to promote equality in favour of right holders in a situation of inequality. That action-oriented policy has allowed for the design of a series of mechanisms to promote the inclusion of ethnic minorities, with due respect for their collective rights.

20. Eliminating discrimination in the media was also one of the actions taken by Ecuador, in particular through the implementation of the Organic Law of Communication. According to that law, any message disseminated by any means of social communication that created distinction, exclusion or restriction based on grounds such as ethnicity or place of birth, among other things, and that had the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise of human rights recognized in the Constitution and in international human rights instruments, or constitute incitement to discrimination, was considered to be discriminatory in nature.

21. In that regard, Ecuador referred to the activities undertaken by its Regulatory Council of Communication and Information, which established strategies for avoiding discrimination and exclusion in and by the media. The Council also carried out activities to strengthen the social role of the media through the training of media professionals and through campaigns aimed at sensitizing the population in order to combat racial prejudice.

22. With regard to combatting xenophobia, Ecuador considered the principle of human mobility and universal citizenship to be important, and advocated the free movement of all inhabitants of the planet and the progressive end of foreign status as a transformative element in the unequal relations between countries, especially North-South relations. Under that approach, asylum seekers and refugees would be granted special protection and be able to fully exercise their rights. In that regard,

Ecuador maintained full respect for human rights and a strong commitment to protecting migrants by recognizing that migrants and refugees had rights. To realize that vision and commitment, Ecuador had formulated a national agenda for equality in human mobility, on the basis of which the efforts of all national actors were managed and directed with regard to guaranteeing the full exercise of the rights of migrants and refugees through, inter alia, the implementation of non-discrimination policies to prevent, control and punish racist, xenophobic and violent practices committed against migrants.

Greece

23. Greece reported the adoption in 2014 of Law 4285/2014, amending Law 927/1979 and the adaptation thereof to European Union Council framework decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law. The 2014 law contained specific provisions addressing hate speech with respect to sexual orientation, gender identity and disability. For example, according to article 1, paragraph 1 of the law:

> Whoever intentionally, publicly, orally or through the press, the Internet or any other means or manner, incites, provokes, stirs or encourages actions which may cause discrimination, hatred or violence against a group or persons or a member of such a group defined by reference to race, colour, religion, descent, national or ethnic origin, sexual orientation, gender identity or disability, in a manner that endangers public order or poses a threat to the life, freedom or physical integrity of such persons, shall be punished by imprisonment.

24. Greece noted that its Law 4356/2015 provided for the establishment of a National Council against Racism and Intolerance, whose purpose was to develop a comprehensive anti-racist strategy, coordinate all relevant stakeholders and monitor of the application of international, European and national laws. A national action plan against racism and intolerance was also among the tasks of the Council.

25. With respect to operational measures, data collection on racist crimes had been significantly improved following the introduction of a new court computerization system. A unified mechanism and a database for registering alleged incidents of racist and xenophobic violence had been created.

Italy

26. Italy reported that, in accordance with relevant European Union directives, its National Office against Racial Discrimination had progressively expanded its mandate aimed at fighting all forms of discrimination, be it on the grounds of race, ethnic origin, religion or belief, age, sexual orientation or gender identity. Italy was also specifically engaged in implementing, at the national, regional and local levels, a national strategy for the period 2012-2020 for the inclusion of Roma, Sinti and Caminanti communities in Italy, as well as a national strategy to support the protection of the rights of lesbian, gay, bisexual and transgender individuals by countering homophobia and transphobia. Both strategies devoted particular attention

to multiple and intersecting forms of discrimination in both the private and public sectors, addressing and providing for action with respect to labour, health care, education, access to goods and services and social protection.

27. Furthermore, owing to increasing complaints relating to cases of hate speech, especially online, the National Office against Racial Discrimination established a media and social network observatory on hate speech. The observatory officially started in January 2016 with the aim of finding hate speech online, reporting it for removal and analysing it in order to learn about and further understand it.

28. In October 2015, the secretariat of the Observatory for Security against Discriminatory Acts, as a partner of a European project to prevent, redress and inhibit hate speech in new media, and in cooperation with the United Nations Interregional Crime and Justice Research Institute, organized a three-day training workshop for law enforcement agencies with a view to increasing police awareness with respect to preventing and combating discrimination, and hate crimes and hate speech in particular.

29. On 17 September 2015, a triennial national plan of action against racism and xenophobia was adopted by the Government of Italy, following contributions from all relevant institutional representatives and non-institutional stakeholders that took part in its drafting. The national action plan aimed at the implementation of a comprehensive strategy to support national and local policies to ensure full respect for the principle of equality and to counter discrimination, racism, xenophobia and related intolerance.

30. In terms of overall activities, concrete steps had been taken systematically by Italy to ensure that protection against discrimination was effective and properly enforced. Of particular note were capacity-building activities, including awareness-raising campaigns and related events, on the occasion of the "National Week against Racism", organized by the National Office against Racial Discrimination over the years with an increasing number of relevant stakeholders, and of the "National Week against Violence", run by the Department for Equal Opportunities and implemented within the national school system in particular.

Lithuania

31. Lithuania recently adopted the Code of Administrative Offenses, which would enter into force as at 1 January 2017 and which deemed hatred or discrimination on the grounds of race and ethnicity to be an aggravating circumstance.

32. On 17 December 2015, Lithuania adopted draft amendments to the Code of Criminal Procedure, implementing Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012, as a means of providing reparations to victims of crime, including to victims of racial discrimination. The amendments to the Code included additional procedural protection guarantees for victims and provided for the assessment of the special protection needs of the victims.

33. In 2015, the Government approved the fourth national action plan for the promotion of non-discrimination for the period 2015-2017. The plan included

provisions to reduce discrimination on the grounds of gender, race, nationality, language, origin, social origin, faith, convictions or views, age, sexual orientation, disability, ethnicity and religion by raising public awareness and fostering respect for human rights.

34. In 2016, the Equal Opportunities Ombudsperson, together with the National Equality and Diversity Forum, organized the third National Equality and Diversity Awards.

35. In April 2015, the police department, under the Ministry of the Interior, signed a memorandum of understanding with the Office for Democratic Institutions and Human Rights of the Organization for Security and Co-operation in Europe. A training programme for the Lithuanian police on combating hate crime was developed in accordance with the memorandum.

36. According to the Law on Provision of Information to the Public, the Office of the Inspector of Journalist Ethics was charged with the responsibility to monitor public information in the media, with the exception of radio and television programmes. In that regard, with the aim of combating hate speech in the public sphere, the Office of the Inspector of Journalist Ethics provided the Lithuanian Association of Internet Media with a guidebook to recognize hate speech more promptly. The guidebook provided instructions to Lithuanian online media establishments on monitoring the speech of online commentators and on removing comments that reflected hate speech.

Mexico

37. Mexico noted that, with regard to public policies, the National Council for the Prevention of Discrimination had published a catalogue of measures for equality, which was based on policy concepts and which provided a framework that gave substance to equality measures, including control measures and measures for inclusion and affirmative action that were clearly set out in the Federal Act for the Prevention and Elimination of Discrimination.

38. In 2015, the National Council for the Prevention of Discrimination had published the seventh volume in its series on the collective rights and constitutional recognition of Afro-Mexicans, which aimed at encouraging Mexico to fulfil its obligations in guaranteeing the rights of Afro-Mexicans.

39. Other important activities undertaken included awareness campaigns such as the "No Tags. Discrimination does not define us" campaign, based on the "No Hate Speech Movement" campaign of the Council of Europe. Other "#NoTags" campaigns targeting young people have been implemented since 2014.

40. In September 2015, the National Council for the Prevention of Discrimination launched the "XeNOfobia" campaign with the slogan "Prejudices are their burden", aimed at fighting xenophobia towards migrants. The campaign took place over the course of two months.

41. Mexico drafted a work plan on the International Decade for People of African Descent aimed at consolidating the activities that different Mexican authorities would be implementing for populations of African descent in Mexico.

Peru

42. Peru noted that its Ministry of Culture was the governing entity in matters of national ethnic and cultural plurality. The Ministry, among other functions, fostered national identity and promoted cultural development through intercultural dialogue and the recognition of cultural diversity among Peruvians.

43. Under the framework of the functions and competencies assigned to the cultural sector, the Vice Ministry of Interculturality had developed a specific line of work that allowed for the articulation of policies and actions in conjunction with various levels of Government, various sectors under Executive authority, as well as civil society. That included the creation, development and strengthening of the platform for action against ethnic and racial discrimination entitled "Alert against Racism"; the promotion of norms by the Office of Cultural Diversity and Elimination of Ethno-Racial Discrimination in order to prohibit and prevent racism and acts of racial discrimination based on ethnic or racial motives; and the coordination of branches of the Office of Culture.

44. Such actions also included advocacy in the media and in public spaces with the purpose of bringing visibility to the problem of racism and ethnic and racial discrimination in the country, as well as to sensitize citizens to the problem by offering them useful information on how to prevent and denounce discriminatory acts. One of the most visible experiences had been the campaign "Be Alert against Racism in Football", which had had a great impact on citizens, opinion leaders in the community, the media and football teams.

Qatar

45. Qatar reported that combating racism was a national priority and was considered to be of the utmost importance given that the population of Qatar had the one of the highest percentages of foreign residents of any country in the world.

46. Qatar was keen to ensure that expatriates live in peace and security, free from all forms of racism or xenophobia. Qatar respected cultural diversity and recognized the right of expatriates to maintain their lifestyles and to practice their religious rituals, taking into account the traditions of Qatari society and the need for tolerance and mutual respect.

47. Qatar referred to its "Qatar National Vision 2030" programme, which set forth a comprehensive vision for Qatar. It stressed the State's appreciation of foreign expatriates as a productive and efficient force in the country's development, and that attracting and keeping the right mix of skills would require the provision of appropriate incentives and the setting of regulatory procedures that protected the rights of expatriates and ensured their safety. It also promoted the spirit of forgiveness and charity and encouraged constructive dialogue and openness to other cultures.

Saudi Arabia

48. Saudi Arabia noted that the Basic Law of Governance contained provisions that prohibited discrimination. For example, article 8 stated that governance in the Kingdom of Saudi Arabia was based on justice, *shura* (consultation) and equality according to Islamic sharia; article 26 stated that the State should protect human rights in accordance with sharia; article 46 stated that the Judiciary was an independent authority and that the decisions of judges should not be subject to any authority other than the authority of Islamic sharia; and article 47 stated that all people who were either citizens or residents in the Kingdom were entitled to file suit on an equal basis.

49. There were laws in Saudi Arabia that prohibited the publishing of material promoting racial supremacy or racial hatred, and provided for punishment, including for acts of violence that were based on those thoughts. Those laws prohibited the establishment of organizations and the hosting of activities that advocated racial discrimination or encouraged it. Pursuant to those laws, anyone who abused his authority as a government employee or who practiced racial discrimination in any form was to be questioned and held to account.

50. The National Society for Human Rights ensured that government agencies applied laws and regulations relating to human rights and uncovered violations and practices that infringed upon human rights. It also followed up in applying related international human rights agreements that the country had signed, in particular the International Convention on the Elimination of All Forms of Racial Discrimination, in accordance with sections 1 and 3 of article 5 of the Society Law, as enacted in Council of Ministers decision No. 207 of 12 September 2005. The National Society for Human Rights had conducted many workshops aimed at educating police and other law enforcement officers on human rights and at increasing the readiness and prevention of human rights violations, including acts of racial discrimination and xenophobia.

51. Saudi Arabia referred to the role played by the King Abdul Aziz Centre for National Dialogue, which, inter alia, conducted meetings in which representatives of many sectors of society had participated.

52. The goal of the King Abdul Aziz Centre for National Dialogue was to enhance awareness through dialogue on culture and human rights and to eliminate extremism, hatred and discrimination in all its forms, including racial discrimination. The Centre cooperated with government agencies to achieve its goals. One example of such cooperation was the agreement that the Centre had signed with the Ministry of Islamic Affairs, Endowments, Da`wah and Guidance to train imams at many mosques in the promotion of cultural tolerance in the community through their speeches and lectures and other activities.

Sudan

53. The Sudan reported that it had taken practical and tangible measures for the protection and development of human rights, including the elimination of modern manifestations of racism, racial discrimination, xenophobia and all that was related

to intolerance. Those measures were based on laws, policies and national programmes put in place since the adoption of the Durban Declaration and Programme of Action in 2001. The Sudan noted that the outcome document of the Durban Review Conference was reflected in constitutional, administrative and legislative measures.

54. The Sudan noted that its Constitution had banned discrimination based on race, colour, sex, language, religion, political opinion, or any other distinction.

Turkey

55. Turkey noted that its constitutional system was based on the equality of all individuals before the law, without discrimination and irrespective of language, race, colour, sex, political opinion, philosophical belief, religion and sect, or any such considerations.

56. Existing Turkish legislation, including in the context of the Constitution, the penal and civil codes, laws relating to labour, civil servants, political parties, the carrying out of penalties and security, national education, the establishment of radio and television enterprises and their media services, social services, the establishment of ombudsmen, the establishment and duties of the Turkish Football Federation, the prevention of violence and disorder in sport, the establishment and duties of the Ministry of Foreign Affairs and discipline in the Turkish Armed Forces, provided for the prohibition of and protection against discrimination and racism.

57. According to the Law on Anti-Discrimination and Equality, it was prohibited to discriminate on the basis of sex, race, colour, language, belief, ethnic origin, philosophical or political opinion, social status, marital status, state of health, disability or age.

58. The Law envisaged the establishment of an anti-discrimination and equality board that would monitor complaints of discrimination in the public and private sector, and a consultation board that would assist the anti-discrimination and equality board by bringing together representatives from universities, trade unions, professional bodies, associations and foundations, as well as representatives of public institutions working to combat discrimination and inequality.

59. The Office of the Ombudsman was responsible for examining and investigating acts by the Administration regarding its fairness and compliance with the rule of law and for making recommendations to the Administration.

Turkmenistan

60. Turkmenistan reported that it continuously engaged in comprehensive work to improve its Constitution and legislative instruments, paying particular attention to harmonizing national legislation with the main international agreements, including the International Convention on the Elimination of All Forms of Racial Discrimination.

61. The Constitution was the primary legislative instrument in Turkmenistan, providing for the equal enjoyment of fundamental human rights and freedoms in the political, economic, social, cultural and other spheres of public life. Under the Constitution, the State guaranteed equality to individuals and citizens, including equality before the law, irrespective of ethnicity, race, sex, origin, financial or official status, place of residence, language, religion, political convictions or party affiliation or lack thereof.

62. All of the country's legislative instruments accorded citizens equal liberties and equality before the law, irrespective of ethnicity, race, sex, origin, financial or official status, place of residence, language, religion, political convictions or party affiliation or lack thereof. Turkmenistan, which was party to the International Convention on the Elimination of All Forms of Racial Discrimination, had incorporated virtually all of the provisions of the Convention into national legislation.

63. Turkmenistan noted that it had a system of legislative, judicial and practical measures offering firm legal guarantees that any attempted discrimination on racial or ethnic grounds by officials, individuals, groups or institutions would be banned and, if necessary, suppressed. The principle of non-discrimination underpins the operation of all authorities and administrations, at both the local and the highest levels, the electoral system, the organization and work of law enforcement and judicial agencies, and the health-care, social security, education and other systems.

64. Turkmenistan referred to the adoption, in 2012, of the Political Parties Act, which was developed in line with the Constitution and the universally recognized standards of international law. It noted that article 8 of the Political Parties Act prohibited the establishment and activity of political parties that aimed to alter the constitutional order through violence, permitted violence in their activities, opposed the constitutional rights and freedoms of citizens, advocated war or racial, ethnic or religious hatred or acted in a manner detrimental to the health or morals of the people or that had been formed on the basis of ethnic or religious criteria.

65. Turkmenistan further noted that the fight against racial discrimination was based on the principles of the Durban Declaration and Programme of Action. At the national level, those principles had been upheld and taken into account both when updating legislation and when enforcing the law. When enforcing international human rights standards, including those relating to the elimination of racial discrimination, the Majlis had actively applied the recommendations contained in the Programme of Action and the outcome document of the Durban Review Conference.

Uzbekistan

66. Uzbekistan referred to its national action plan for the implementation of the recommendations of the Human Rights Council and other United Nations human rights bodies.

67. In compliance with the Vienna Declaration and Programme of Action, several national institutions dealing with human rights were created in Uzbekistan. Those include the Ombudsman under the Oliy Majlis of Uzbekistan, and the National

Centre on Human Rights of Uzbekistan. The Ombudsman played a significant role in the oversight of human rights legislation. The Ombudsman applied all available means to restore violated rights and to improve Uzbek legislation.

68. The Republican International Cultural Centre was established by decision No. 10, dated 10 January 1992, and decision No.180, dated 8 April 2003, of the Cabinet of Ministers. The Cultural Centre, in cooperation with various ministries and departments, the Council of Ministers of Karakalpakstan, *khokimiyats* (local authorities) of regions, towns and districts, and civil society organizations, participates in the implementation of an overall State policy on interethnic relations.

III. Information received from non-member States with observer status

State of Palestine

69. The State of Palestine noted its commitment to the principles of international law and human rights, as well as its belief in the principles of justice, equality and non-discrimination in the quest to intensify its efforts to eliminate all forms of racial discrimination in its occupied territory.

70. Article 9 of the Palestinian Basic Law, as amended in 2005, stipulated that Palestinians should be equal before the law and the judiciary, without distinction based upon race, sex, colour, religion, political views or disability. It also stipulated, in the first paragraph of article 10, that basic human rights and liberties should be protected and respected.

71. The State of Palestine also referred to various penal instruments, including Penal Law No. 16 of 1960, which was in force in the West Bank. Article 130 of that law criminalized acts that weakened the national feeling or stirred racist or sectarian differences. Article (150) of the same law criminalized the stirring of sectarian or racial prejudices, stipulating that any writing or speech which aimed at or resulted in sectarian or racial prejudices or incitement of conflict between different sects or the nation's elements should be punished by imprisonment for no less than six months and no more than three years and a fine not to exceed 500 dinars.

72. The State of Palestine reported that it took into account the fact that the legislation in force in its occupied territory needed to be developed and modified to suit existing contemporary needs and international standards. It had intensified efforts to promote the harmonization of national laws with the international conventions to which it had acceded, incorporating the concept of discrimination into the draft Penal Code submitted by the Council of Ministers.

73. The State of Palestine noted that it continued to develop its efforts to guarantee human rights and eliminate all forms of racial discrimination. Upon the accession of the State of Palestine to various international treaties, the President of the State of Palestine, on 7 May 2014, issued a presidential decree for the formation of the Permanent National (Ministerial) Committee, chaired by the Foreign Ministry and including representatives from a number of ministries and relevant institutions,

along with the Independent Commission for Human Rights as an observer, to pursue the accession of the State of Palestine to international treaties and conventions.

IV. Information received from national human rights institutions

The secretariat of the Ukrainian Parliament Commissioner for Human Rights

74. Combating racial discrimination, xenophobia and ethnic intolerance played an important role in the activities of the Ukrainian Parliament Commissioner for Human Rights. An analysis of citizen petitions and the results of monitoring by the Commissioner and non-governmental organizations had shown that a significant number of issues that had given rise to different manifestations of xenophobia, racism and intolerance remained unresolved.

75. Upon the entry into force on 4 October 2012 of the Law on principles of prevention and combating discrimination in Ukraine, the Commissioner, having acquired the status of a national institution, was conferred a number of additional well-defined authorities, with the mandate of combating all forms of discrimination.

76. Despite some progress in combating and preventing racial discrimination and extreme forms of discrimination, hate crimes continued to be of particular concern to the Commissioner. With regard to hate crimes based on racial, national and religious grounds, the Commissioner's monitoring showed that, at the present time there was no proper statistical accounting of those crimes, and official figures contained in the reports of law enforcement authorities are often underestimated. In order to improve the situation, the Office of the Commissioner established cooperation with the main investigation department of the Ministry of Internal Affairs for the systematic exchange of information related to incidents of hate crimes identified as a result of monitoring.

77. With regard to combating discrimination on grounds of ethnic or national origin, the Commissioner paid special attention to the protection of the rights of the Roma people in Ukraine. In particular, the employees of the secretariat of the Commissioner, in conjunction with Roma human rights organizations, visit places where the Roma community is concentrated for the purpose of constant monitoring.

V. Activities of the Office of the United Nations High Commissioner for Human Rights

78. During the March session of the Human Rights Council, OHCHR organized a panel discussion to commemorate the fifteenth anniversary of the adoption of the Durban Declaration and Programme of Action and to take stock of related challenges and achievements. Experts involved in the Durban Declaration and Programme of Action process were invited to share their views and experiences regarding the global fight against racism and racial discrimination and to contribute

to the assessment of the Programme of Action's implementation by identifying relevant challenges and achievements.

A. International Decade for People of African descent

79. Since the launch of the International Decade for People of African Descent in January 2015, OHCHR has been working to strengthen the protection of people of African descent and to promote their rights. OHCHR continued its support to the Working Group of Experts on People of African Descent during its sessions in Geneva and its field missions. The Working Group undertook field missions to Italy in June 2015 and to the United States of America in January 2016.

80. The first regional meeting for the Latin America and Caribbean region on the International Decade was held in Brasilia on 3 and 4 December 2015. The meeting was attended by representatives of Member States of the region, civil society representatives, national human rights institutions, academics from some 30 countries and representatives of United Nations agencies and regional organizations. At the close of the meeting, the government delegates adopted a declaration in which they recalled the programme of activities of the International Decade and reaffirmed their commitment to fully implementing the Durban Declaration and Programme of Action at the national, regional and global levels.

81. Since December 2015, OHCHR Guatemala had provided technical assistance to the Presidential Commission on Discrimination and Racism against Indigenous Peoples in preparing a diagnostic study of the human rights situation of people of African descent and Garifunas in Guatemala. The study had three main objectives: (a) to raise awareness of the cultural diversity of people of African descent in Guatemala; (b) to raise awareness of the current human rights situation of people of African descent in Guatemala, including their civil, political, economic, social and cultural rights; and (c) to provide strategic guidance to the State in developing a national plan of action for people of African descent in Guatemala. As part of preparation for the study, OHCHR carried out field missions to the Department of Izabal (where the majority of people of African descent in Guatemala lived) and led workshops with people of African descent and State officials. In November 2014, the Government launched the International Decade for People of African Descent in Guatemala and for the first time committed to developing specific policies in favour of people of African descent, which the diagnostic study would help to inform.

82. OHCHR provided substantive support for the elaboration of the national action plan of Mexico for the implementation of the International Decade. The national action plan was launched in mid-2015. OHCHR also provided support for the launch of the International Decade in Chile through its regional office for South America in Santiago.

83. OHCHR participated in the inaugural Black Government Leaders Summit, which was held in Nova Scotia, Canada, from 8 to 10 June 2015, presenting the programme of activities for the implementation of the International Decade.

84. On 19 September 2016, OHCHR and the United Nations Educational, Scientific and Cultural Organization, in collaboration with the Frantz Fanon Foundation and the National Committee of France for the Memory and History of

Slavery, organized a meeting in Paris on the theme "International Decade for People of African Descent (2015-2024): ten years to take action". The purpose of the meeting was to raise awareness at the European level of the objectives and challenges of the International Decade, to share national experiences regarding its implementation and to discuss action strategies for key stakeholders to achieve greater synergy of efforts. Other objectives of the meeting included sharing best practices, reflecting on the challenges of the International Decade and suggesting strategies to overcome potential difficulties faced in the implementation of the programme of activities.

B. Racism and sport

85. OHCHR, in cooperation with the Ministry of Sport of the Russian Federation and the Russian football union, organized an initial stakeholder meeting on non-discrimination in football. The objective was to discuss existing practices for exploring the challenges of racial and xenophobic incidents in football and to prevent their occurrence during and after the World Cup tournament of the Fédération Internationale de Football Association that would be held in the Russian Federation in 2018. Following the meeting, the Russian football union and other sport authorities decided to consider the elaboration of a national plan to effectively prevent and combat discrimination and xenophobia in football.

86. Following the first stakeholder meeting, held in October 2015 in Saint Petersburg, Russia Federation, OHCHR organized a meeting on non-discrimination in football at which regional human rights commissioners from the host cities of the 2018 World Cup participated. Following the meeting, the Ministry of Sport and the local organizing committees for the World Cup agreed to find ways to increase the involvement of the regional commissioners in preparations for the tournament at the local level.

C. Database on practical means to combat racism, discrimination xenophobia and related intolerance

87. Throughout the year, OHCHR undertook research and analysis of legislation, policies and institutional measures at the global, regional and national levels, and relevant information was uploaded into the OHCHR database on practical means to combat racism, discrimination, xenophobia and related intolerance.

D. Elaboration of national plans of action and anti-racial discrimination legislation

88. OHCHR continued to support a number of Member States in elaborating and implementing their national action plans against racial discrimination, pursuant to the recommendations of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, the Durban Review Conference and Durban follow-up mechanisms.

89. In that regard, OHCHR, at the request of the National Institute against Discrimination of Argentina, supported an assessment of the implementation of Argentina's national plan against discrimination for the period 2005-2015 and the elaboration of an updated national plan for 2016 and beyond.

90. At the request of National Council for the Prevention of Discrimination of Mexico, OHCHR supported the development of the third national action plan to eradicate racism and discrimination and to promote equality in Mexico.

91. OHCHR provided support to the former Yugoslav Republic of Macedonia in the development of an online tool on the website of its Commission for Protection against Discrimination, enabling victims and the general public to submit concerns in a timely manner. A smartphone application relating to non-discrimination has also been developed.

92. OHCHR, in collaboration with the Human Rights Adviser and the Ministry of Labour and Social Policy of the former Yugoslav Republic of Macedonia, organized a three-day training of trainers for law enforcement officers on non-discrimination and hate speech. The event was held in the city of Strumica from 22 to 24 June 2016. The training had been requested by the Ministry of Labour and Social Policy, which is responsible for the organization and coordination of national one-day training sessions for police officers on non-discrimination and hate speech, in line with a government decision. The event was attended by representatives of the Ministry of Labour and Social Policy, the Ministry of the Interior, the Academy for Judges and Public Prosecutors, the Ministry of Education and Science, the Ministry of Health, the Commission for Protection against Discrimination and the Agency for Community Rights Realization. Seventy percent of event participants were women.

93. In the Plurinational State of Bolivia, OHCHR supported the training of 70 civil servants on anti-discrimination legislation and public policies and the State's obligations under the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women and the Durban Declaration and Programme of Action.

94. OHCHR co-organized with the National Commission for Human Rights of Rwanda a training workshop for African national human rights institutions and equality bodies on their role in combating racism, racial discrimination, xenophobia and related intolerance. Some 30 participants from 13 countries in western, central and southern Africa attended the workshop with the objective of raising awareness of the Durban Declaration and Programme of Action and the International Convention on the Elimination of All Forms of Racial Discrimination, sharing experiences and good practices and discussing challenges as well as achievements in Africa with respect to combating racism, racial discrimination, xenophobia and related intolerance.

E. Media

95. In October 2015, OHCHR, in conjunction with the Russian Union of Journalists and the National Union of Journalists of Ukraine organized a workshop in Geneva for Russian and Ukrainian journalists and media officials on the

prohibition of advocacy of national, racial and religious hatred constituting incitement to discrimination, hostility or violence. The participants highlighted the importance of discussing existing international standards and regional and national frameworks and the need to focus on preventing and combating hate speech. Preparatory national seminars for the workshop were also held in September 2015 in Kiev and Moscow, focused on the problem of hate speech.

96. In April 2016, OHCHR and the United Nations Information Centre in Dakar organized a workshop on the role of the media in combatting racism, racial discrimination, xenophobia and related intolerance, with a particular emphasis on combating hate speech and incitement to hatred. Media professionals from West and Central Africa participated in the workshop.

97. OHCHR was working on developing the following tools:

(a) A guide on data collection for the promotion of racial equality;

(b) A user-friendly practical guide on preventing and countering racial profiling;

(c) A data collection tool for the promotion of racial equality in order to provide clear guidance to Member States and other stakeholders;

(d) An online platform for media professionals on combating intolerance and incitement to hatred.

VI. Conclusions and recommendations

98. Despite some progress in combating racism, racial discrimination, xenophobia and related intolerance, these phenomena remain widespread. No country is, or can claim to be, free from these forms of discrimination. The prohibition of all forms of discrimination is a fundamental tenet of international human rights law.

99. Leadership, stronger political will and urgent measures are needed to reverse the worrisome trend of the past few years of increasingly hostile, racist and xenophobic attitudes and violence. Intercultural dialogue, tolerance and respect for diversity are essential for combating racial discrimination and related intolerance.

100. In order to review progress in the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action and the outcome document of the Durban Review Conference, all stakeholders are invited to regularly submit updated inputs in accordance with requests for information from OHCHR.

101. Member States, regional organizations, civil society and other stakeholders are encouraged to fully and effectively implement the Durban Declaration and Programme of Action and the outcome document of the Durban Review Conference and to intensify collaboration to that end.

102. Member States are encouraged to fully and effectively implement the obligations arising from the International Convention on the Elimination of All

Forms of Racial Discrimination. States that have not yet done so are urged to ratify or accede to the Convention, with a view to its universal ratification.

103. **The media should play a key role in combating intolerance. In this regard, Member States are called upon to ensure that the media emphasize positive images of various groups and combat hate speech, which must not be tolerated and must be properly addressed by strengthening professional ethics and processes.**

104. **Sport players, sport authorities and other relevant authorities should play an important role in contributing to awareness-raising campaigns for preventing and combating racism, racial discrimination, xenophobia and related intolerance and reinforcing the message on the elimination of racism, racial discrimination, xenophobia and related intolerance.**

105. **Member States and relevant stakeholders are encouraged to use the potential of sport and mass sport events to educate the youth of the world and to promote their inclusion in sports activities that are free of racism, racial discrimination, xenophobia and related intolerance and that are in the Olympic spirit, which emphasizes human understanding, tolerance, fair play and solidarity.**

106. **Member States are encouraged to invite the Working Group of Experts on People of African Descent and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance to carry out country visits.**

107. **Member States and other stakeholders are invited to participate actively in the deliberations on the mechanisms established in follow-up to the Durban Declaration and Programme of Action and to implement the recommendations emanating therefrom.**

108. **Member States that have not yet done so are encouraged to develop and implement national action plans to combat racism, racial discrimination, xenophobia and related intolerance.**

109. **In the context of the implementation of the programme of activities for the implementation of the International Decade for People of African Descent, all Member States, intergovernmental and non-governmental organizations, private institutions and individuals as well as other donors in a position to do so are encouraged to contribute generously for the implementation of the programme of activities.**